EA CHAPTER/ ENVIRONMENTAL	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN			TOL	LING SCE	NARIO					POTENTIAL ADVERSE	MITIGATION AND ENHANCEMENTS
CATEGORY				TABLE	À	В	С	D	E		F	(	3	EFFECT	
	Effects on				The Project would benefit certain vulnerable social groups, including elderly population persons with disabilities, transit-dependent populations, and non-driver populations creating a funding source for the MTA 2020–2024 Capital Program (and subseque capital programs and by reducing congestion in the Manhattan CBD).  Elderly individuals would benefit from the travel-time and reliability improvements to b service with the CBD Tolling Alternative, as bus passengers tend to be older than ride on other forms of transit, such as the subway and, as described above, bus passenges							quent to bus riders			
5A – Social Conditions: Population (Cont'd)	Vulnerable Social Groups	Benefits to vulnerable social groups from new funding for MTA Capital Program	28-county study area	Narrative	in the Manha congestion.  People over subways and MTA's paratr transport par who drive to enhancemen elderly individe	the age of buses, and ransit service atransit use the Manh ts proposed	65 with a qual elderly ind se, including rs. Elderly pattan CBD for low-ind	ualifying dis ividuals with g taxis and people with would be come and d	ability re a qualif FHVs o disabiliti entitled lisabled	eceive iying di peratir es and to the popula	a reduce sability ca g on bel low-inco same tions, in	d fare on an also re aalf of M me indivi mitigation	MTA eceive TA to iduals and	No	No mitigation needed. No adverse effects
	Access to Employment	Increased cost for small number of people who drive to work	28-county study area	Narrative	Decrease in offsetting incomplete would do so reduced contravel to emp CBD due to commuters were seen as the commuters were seen as the commuters were seen as the commuter of the commuters were seen as the commuter of the commuters were seen as the commuter of the commuters were seen as the commuter of the com	work trips be rease in trangle based on the gestion in the ployment with the wide rare	y driving monsit ridershing need or content of the meed or content of the man and the man and the man and of the man and of transing the man and the m	odes to and ip. Those wh convenience an CBD. Ne nhattan CBD	within the no would of drivingligible e and rev	ne Man drive og and offect (le verse-c	nattan Cl lespite th would be ess than ommutin	e CBD to nefit from 0.1%) on g from the	oll o the	No	No mitigation needed. No adverse effects
				Narrative	The change							e the de	efining	No	No mitigation needed. No adverse effects
5B – Social Conditi Character	ions: Neighborhood	No notable change in neighborhood character	Area near 60th Street Manhattan CBD boundary	Narrative	Changes in parking demand near the 60th Street CBD boundary (including increase just north of 60th Street and decreases just to the south) would not create a climate disinvestment that could lead to adverse effects on neighborhood character nor alt the defining elements of the neighborhood character of this area.							ate of	No	No mitigation needed. No adverse effects	
5C – Social Conditi	ions: Public Policy	No effect	28-county study area	Narrative	The Project policies in pla							d other	public	No	No mitigation needed. No adverse effects
	Benefits	Regional economic benefits	28-county study area	Narrative	Economic be time reliabilit safety impro in congestion	ty improven vements ar	ents, which	would incr	ease pro	ductivi	ty and ut	lity, as w	ell as	No	No mitigation needed. Beneficial effects
6 – Economic	Economic Effects of Toll Costs	Cost of new toll for workers and businesses in the CBD that rely on vehicles	Manhattan CBD	Narrative	No adverse of CBD. Given share, the to not adversel any business	effects to an the high lev Il would affe y affect ope	el of transit ct only a sn rations of b	t access in t nall percenta jusinesses i	the CBD age of the n the Ma	and hi e overa	gh perce II workfo	ntage of to	transit would	No	No mitigation needed. No adverse effects
Conditions	Price of Goods	Cost of new toll would not result in changes in the cost of most consumer goods	Manhattan CBD	Narrative	Unlikely to r increase ass passed along per toll chat including sm would mining (construction less competi	esult in me sociated wit g to receivinge (since nall busines nize the contact materials,	aningful change the hand the new ng business trucks make see and mit ost to any electronics	ange in cos toll in the ( ses would be se multiple icro-busines individual , beverages	et for mo CBD Tol e distribu deliverie eses, rec busines	ling Al uted an es) esp eiving es. Sor	ernative long sev ecially for smaller on ne comm	that would eral custo or busine deliveries modity se	old be omers esses, . This ectors	No	No mitigation needed. No adverse effects

EA CHAPTER/ ENVIRONMENTAL	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN			TOL	LING SCEN	POTENTIAL ADVERSE	MITIGATION AND ENHANCEMENTS			
CATEGORY				TABLE	A	В	С	D	E	F	G	EFFECT	
	Taxi and FHV Industry	Depending on the tolling scenario, the toll could reduce taxi and FHV revenues due to a reduction in taxi/FHV VMT with passengers within the CBD.	20 county study area	Net change in daily taxi/FHV VMT regionwide			-73,413 (-1.7%)	-217,477 (-5.0%)	-116,065 (-2.7%)	-4,888 (-1.0%)	-137,815 (-3.2%)	No	No mitigation needed. No adverse effects (see "Environmental Justice" below
6 – Economic Conditions		While this could adversely affect individual drivers (see "Environmental Justice" below), the industry would remain viable overall.	28-county study area	Net change in daily taxi/FHV VMT in the CBD	-21,498 (-6.6%)	+15,020 (+4.6%)	-11,371 (-3.5%)	-54,476 (-16.8%)	-25,621 (-7.9%)	+4,962 (+1.5%)	-27,757 (-8.6%)	NO	for mitigation related to effects on taxi and FHV drivers).
(Cont'd)	Local Economic Effects	Changes in parking demand near the 60th Street CBD boundary	Area near 60th Street Manhattan CBD boundary	Narrative	increases ju the viability	Changes in parking demand near the 60th Street Manhattan CBD boundary (including increases just north of 60th Street and decreases just to the south) could jeopardize the viability of one or more parking facilities in the area south of 60th Street but would not create a climate of disinvestment that could lead to adverse effects on neighborhood character.						No	No mitigation needed. No adverse effects
7 – Parks and Recre	eational Resources	New tolling infrastructure, tolling system equipment, and signage in the southern portion of Central Park	Manhattan CBD	Narrative	Central Par These poles amount of p also place t area atop t soliciting pu	k near 59th s would be in ark space or olling infrastr ne High Line	Street and of the same lot affect the foucture bence structure. ated to the	on two adjace cations as eleatures and a cath the structure FHWA through	cent sidewall existing poles activities of the cture of the h ugh the publ	nree detection  s outside the and would no ne park. The F digh Line, outs ic involvemer e parks (see	e park's wall. of reduce the Project would side the park of process is	No	No mitigation needed. Refer to Chapter 7, "Parks and Recreational Resources," for a listing of measures to avoid adverse effects to parks.
8 – Historic and Cul	ltural Resources	New tolling infrastructure and tolling system equipment on or near historic properties	45 historic properties within the Project's Area of Potential Effects (APE)	Narrative	Based on a review of the Project in accordance with Section 106 of the National Hist Preservation Act, FHWA has determined that the Project would have No Adverse Ef on historic properties and the State Historic Preservation Office has concurred.						dverse Effect		No mitigation needed. Refer to Chapter 8, "Historic and Cultural Resources," for a listing of measures to avoid adverse effects to historic properties.
9 – Visual Resource	es	Changes in visual environment resulting from new tolling infrastructure and tolling system equipment	Area of visual effect	Narrative	similar struc array of tol images of li	ctures alread ling system cense plates	y in use the equipment to be colle	roughout Ne would use cted without	w York City. infrared illun any need fo	etlight poles, s Cameras ind nination at ni or visible light effect on visu	cluded in the ight to allow The Project	No	No mitigation needed. No adverse effects

EA CHAPTER/ ENVIRONMENTAL	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN			TOL	LING SCEN		POTENTIAL ADVERSE	MITIGATION AND ENHANCEMENTS		
CATEGORY				TABLE	A	В	С	D	E	F	G	EFFECT	
			Increase or decrease in Annual Average Daily Trips (AADT)	3,901	3,996	2,056	1,766	3,757	2,188	3,255		No mitigation needed. No adverse effects  Enhancements  1. Refer to the overall enhancement on	
			Cross Bronx Expressway at Macombs Road, Bronx, NY	Increase or decrease in daily number of trucks	509	704	170	510	378	536	50	No	2. NYCDOT will coordinate to expand the existing network of sensors to monitor priority locations, and supplement a
				Potential adverse air quality effects from truck diversions	No	No	No	No	No	No	No		smaller number of real-time PM <sub>2.5</sub> monitors to provide insight into time-of-day patterns to determine whether the changes in air pollution can be attributed to changes in traffic occurring after implementation of the
			I-95, Bergen County, NJ	Increase or decrease in AADT	9,843	11,459	7,980	5,003	7,078	5,842	12,506		Project. The Project Sponsors will monitor air quality prior to implementation (setting a baseline), and two years following implementation. Following the initial two-year post-implementation analysis period, the Project Sponsors will assess the magnitude and variability of changes in air quality to determine whether more monitoring is necessary.  3. MTA is currently transitioning its fleet to zero-emission buses, which will reduce air pollutants and improve air quality near bus depots and along bus routes. MTA is committed to prioritizing traditionally underserved communities and those impacted by poor air quality and climate change and has developed an approach that actively incorporates these priorities in the deployment phasing process of the transition. Based on feedback received during the outreach conducted for the Project and concerns raised by members of environmental justice communities, TBTA coordinated with MTA NYCT, which is committed to prioritizing the Kingsbridge Depot and Gun Hill Depot, both located in and serving primarily environmental justice communities in Upper Manhattan and the Bronx, when electric buses are received in MTA's next major procurement of battery electric buses, which will begin later in 2022. This independent effort by MTA NYCT is anticipated to provide air quality benefits to the environmental justice communities in the Bronx.
10 – Air Quality		Increases or decreases in emissions related to truck traffic diversions		Increase or decrease in daily number of trucks	801	955	729	631	696	637	-236	No	
				Potential adverse air quality effects from truck diversions	No	No	No	No	No	No	No		
				Increase or decrease in AADT	18,742	19,440	19,860	19,932	20,465	20,391	21,006		
			RFK Bridge, NY	Increase or decrease in daily number of trucks	2,257	2,423	2,820	3,479	4,116	3,045	432	No	
				Potential adverse air quality effects from truck diversions	No	No	No	No	No	No	No		

EA CHAPTER/ ENVIRONMENTAL TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	TOLLING SCENARIO POTENTIAL ADVERSE MITIGATION AND ENHANCEMENTS
CATEGORY	COMMINATOR EFFECTO	Looming		A B C D E F G EFFECT
11 – Energy	Reductions in regional energy consumption	28-county study area	Narrative	Reductions in regional VMT would reduce energy consumption  No mitigation needed. Beneficial effects
		Bridge and tunnel crossings	Narrative	The maximum noise level increases (2.9 dB(A)), which were predicted adjacent to the Queens-Midtown Tunnel in Tolling Scenario D, would not be perceptible.  No mitigation needed. No adverse effects
12 – Noise	Imperceptible increases or decreases in noise levels resulting from changes in traffic volumes	Local streets	Narrative	Tolling Scenario C was used to assess noise level changes in Downtown Brooklyn, Tolling Scenario D was used at all other locations assessed. The maximum predicted noise level increases (2.5 dB(A)), which were at Trinity Place and Edgar Street, would not be perceptible. There was no predicted increase in noise levels in the Downtown Brooklyn locations.  Enhancement Refer to the overall enhancement on monitoring at the end of this table.
13 – Natural Resources	Construction activities to install tolling infrastructure near natural resources	Sites of tolling infrastructure and tolling system equipment locations	Narrative	No effects on surface waters, wetlands, or floodplains. Potential effects on stormwater and ecological resources will be managed through construction commitments. The Project is consistent with coastal zone policies.  Refer to Chapter 13, "Natural Resources," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.
14 – Hazardous Waste	Potential for disturbance of existing contaminated or hazardous materials during construction	Sites of tolling infrastructure and tolling system equipment locations	Narrative	Soil disturbance during construction and the potential alteration, removal, or disturbance of existing roadway infrastructure and utilities that could contain asbestoscontaining materials, lead-based paint, or other hazardous substances. Potential effects will be managed through construction commitments.  Refer to Chapter 14, "Asbestos-Containing Materials, Lead-Based Paint, Hazardous Wastes, and Contaminated Materials," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.
15 – Construction Effects	Potential disruption related to construction for installation of tolling infrastructure	Sites of tolling infrastructure and tolling system equipment locations	Narrative	Temporary disruptions to traffic and pedestrian patterns, and noise from construction activities, with a duration of less than one year overall, and approximately two weeks at any given location. These effects will be managed through construction commitments.  Refer to Chapter 15, "Construction Effects," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.

EA CHAPTER/ ENVIRONMENTAL	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN	TOLLING SCENARIO	POTENTIAL ADVERSE	MITIGATION AND ENHANCEMENTS
CATEGORY	TOPIC	SUMMART OF EFFECTS	LOCATION	TABLE	A B C D E F G	EFFECT	
							Mitigation needed. The Project will include a tax credit for CBD tolls paid by residents of the Manhattan CBD whose New York adjusted gross income for the taxable year is less than \$60,000. TBTA will coordinate with the New York State Department of Taxation and Finance (NYS DTF) to ensure availability of documentation needed for drivers eligible for the NYS tax credit.  TBTA will post information related to the tax credit on the Project website, with a
							link to the appropriate location on the NYS DTF website to guide eligible drivers to information on claiming the credit.
	Potential	The increased cost to drivers with the new CBD					TBTA will eliminate the \$10 refundable deposit currently required for E-ZPass customers who do not have a credit card linked to their account, and which is sometimes a barrier to access.
17 – Environmental Justice	dieproportionatoly	toll would disproportionately affect low-income drivers to the Manhattan CBD who do not have an alternative transportation mode for reaching the Manhattan CBD.	28-county study area	Narrative	The increased cost to drivers with the new CBD toll would disproportionately affect low-income drivers to the Manhattan CBD in all tolling scenarios.	Yes	TBTA will provide enhanced promotion of existing E-ZPass payment and plan options, including the ability for drivers to pay per trip (rather than a pre-load balance), refill their accounts with cash at participating retail locations, and discount plans already in place, about which they may not be aware.
							TBTA will coordinate with MTA to provide outreach and education on eligibility for existing discounted transit fare products and programs, including those for individuals 65 years of age and older, those with disabilities, and those with low incomes, about which many may not be aware.
							The Project Sponsors commit to establishing an Environmental Justice Community Group that would meet on a bi-annual basis, with the first meeting six months after Project implementation, to share updated data and analysis and hear about potential concerns.

EA CHAPTER/ ENVIRONMENTAL	TOPIC	SUMMARY OF EFFECTS	LOCATION	LOCATION DATA SHOWN IN TABLE			TO	LLING SCEN		POTENTIAL ADVERSE	MITIGATION AND ENHANCEMENTS			
CATEGORY	101.0	SOMMONIC OF ELIZORS	LOCATION		А	В	С	D	E	F	G	EFFECT	WITHOUTHOUT AND ENTIANCEMENTS	
				Narrative	Potential ad not have ca					D, and G, wh	ich would		Mitigation needed for New York City taxi and/or FHV drivers if a tolling scenario is implemented with tolls of more than once per day for their vehicles. The Project Sponsors will work with the appropriate city and state	
17 – Environmental Justice (Cont'd)	Potential disproportionately high and adverse effects on taxi and FHV drivers	A potential disproportionately high and adverse effect would occur to taxi and FHV drivers in New York City, who largely identify as minority populations, in tolling scenarios that toll their vehicles more than once a day. This would occur in unmodified Tolling Scenarios A, D, and G; for FHV drivers, it would also occur in Tolling Scenarios C and E. The adverse effect would be related to the cost of the new CBD toll and the	New York City	Change in daily taxi/FHV VMT with passengers in the CBD relative to No Action Alternative: Scenarios included in EA	-21,498 (-6.6%)	+15,020 (+4.6%)	-11,371 (-3.5%)	-54,476 (-16.8%)	-25,621 (-7.9%)	+4,962 (+1.5%)	-27,757 (-8.6%)	Yes	agencies so that when passengers are present, they pay the toll, rather than the driver.  TBTA will work with MTA NYCT to institute an Employment Resource Coordination Program to connect drivers experiencing job insecurity with a direct pathway to licensing, training, and job placement with MTA or its affiliated vendors at no cost to	
		reduction of VMT for taxis and FHVs, which would result in a decrease in revenues that could lead to losses in employment.		Net change in daily taxi/FHV trips to CBD relative to scenarios included in EA: Additional analysis to assess effects of caps or exemptions	Tolls capped at 1x / Day: +2%	-	J	Tolls capped at 1x / Day: +3% Exempt: +50%	-	<u>~</u>	Tolls capped at 1x / Day: +2%		the drivers.  For those who may not want a commercial driver's license, TBTA will coordinate with MTA NYCT to submit a request to the Federal Transit Administration for a pilot program that will help increase eligibility of taxi and FHV drivers to use their vehicles to provide paratransit trips, and will implement this program if approved.	

**OVERALL PROJECT ENHANCEMENT.** The Project Sponsors commit to ongoing monitoring and reporting of potential effects on the Project, including for example, traffic entering the CBD; transit ridership from providers across the region; bus speeds within the CBD; air quality and emissions trends; parking; and Project revenue. Data will be collected in advance and after implementation of the Project will be issued one year after implementation and then every two years. In addition, a reporting website will make data, analysis, and visualizations available in open data format to the greatest extent possible. Updates will be provided on at least a bi-annual basis as data becomes available and analysis is completed.

August 2022

## WHAT ARE THE PROJECT'S EFFECTS TO SECTION 4(f) PROPERTIES?

Section 4(f) of the U.S. Department of Transportation Act of 1966 (now 49 USC Section 303 and 23 USC Section 138) prohibits USDOT agencies, including FHWA, from approving any program or project that requires the "use" of any publicly owned parkland, recreation area, or wildlife and waterfowl refuge; or any land from a publicly or privately owned historic site of national, state, or local significance (collectively, Section 4(f) resources), unless: (1) there is no feasible and prudent avoidance alternative to the use of the land, and the action includes all possible planning to minimize harm to the Section 4(f) resource; or (2) the agency determines that the use of the property will have a *de minimis* impact.

A project uses a Section 4(f) property if it:

- Permanently incorporates land from the Section 4(f) property into a transportation facility;
- Temporarily occupies land that is part of a Section 4(f) property, such as during construction; or
- Results in a "constructive" use of the Section 4(f) property, where there is no permanent incorporation or temporary occupancy of land, but the proximity impacts (e.g., visual and noise) of a project are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired.

A *de minimis* impact involves the use of Section 4(f) property that is generally minor in nature and results in no adverse effect to a historic site and no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).

FHWA evaluated the Project's potential effects on Section 4(f) properties and determined that the CBD Tolling Alternative would not result in any use of Section 4(f) properties other than Central Park and the High Line for the following reasons:

- Central Park: Tolling system equipment is proposed on four poles at three detection locations on park roadways just inside the park near 59th Street. The equipment would be mounted on poles, replacing existing poles in the same locations and would prevent authorized vehicles from using the park to enter the Manhattan CBD without paying the toll. Because the Project Sponsors must have continued access to the poles for maintenance, FHWA intends to make a finding that the CBD Tolling Alternative would result in a de minimis impact on Central Park.
- High Line: The CBD Tolling Alternative would attach tolling system equipment to the High Line, a former railroad viaduct that now has a linear park on the former trackbed.<sup>20</sup> The tolling system equipment would be mounted beneath the trackbed structure on a metal pipe, bolted to the existing girders of the viaduct. No tolling infrastructure or tolling system equipment would be within or visible from the publicly accessible parkland that is atop the High Line. Because the Project Sponsors require permanent access to the tolling equipment attached to the underside of the High Line, FHWA intends to make a finding that the CBD Tolling Alternative would result in a *de minimis* impact on the High Line.

FHWA intends to make a finding that the CBD Tolling Alternative would result in a *de minimis* impact on Central Park and the High Line, and the officials with jurisdiction over these resources have concurred with this finding and the New York State Historic Preservation Office has concurred with FHWA's determination that there would be no adverse effect on Central Park as

August 2022 ES-31

Central Business District (CBD) Tolling Program Environmental Assessment – Executive Summary

a historic property. FHWA will consider any public input on its proposed finding during the public review period for this EA. **Chapter 19**, "**Section 4(f) Evaluation**," provides further detail and support of this finding.

ES-32 August 2022

#### **ENDNOTES**

- <sup>1</sup> U.S. Census Bureau. American Community Survey, 2015-2019; U.S. Census Bureau, 2012–2016 Census Transportation Planning Package.
- <sup>2</sup> U.S. Census Bureau, 2012–2016 Census Transportation Planning Package; New York State Comptroller. 2017. New York City's Office Market report; U.S. Census Bureau. American Community Survey, 2015 to 2019.
- <sup>3</sup> American Public Transportation Association. *2021 Public Transportation Fact Book*, Table 10. https://www.apta.com/wp-content/uploads/APTA-2021-Fact-Book.pdf
- <sup>4</sup> As of July 1, 2021, the estimated population of Los Angeles was 3,849,297. U.S. Census Bureau. Quickfacts.
- https://www.census.gov/quickfacts/fact/table/losangelescitycalifornia,losangelescountycalifornia,CA/PST045221
- <sup>5</sup> New York Metropolitan Transportation Council. January 2021. *Hub Bound Travel Data Report 2019.* Transit includes subway, commuter rail, bus, ferry, and tram. NYMTC relies on passenger, vehicle, and bicycle counts to prepare the hub bound data, and these counts include work and non-work trips. Therefore, percentages of travel by mode vary from census data.
- https://www.nymtc.org/Portals/0/Pdf/Hub%20Bound/2019%20Hub%20Bound/DM TDS Hub Bound Travel 2019.pdf?ver=GS5smEoyHSsHsyX t Zriw%3d%3d.
- <sup>6</sup> As defined by the MTA Reform and Traffic Mobility Act, the Manhattan CBD consists of the geographic area of Manhattan south of and inclusive of 60th Street to the extent practicable but does not include the Franklin D. Roosevelt (FDR) Drive and the West Side Highway/Route 9A, including the Battery Park Underpass and any surface roadway portion of the Hugh L. Carey Tunnel that connects to West Street (the West Side Highway/Route 9A).
- <sup>7</sup> Merrian-Webster, "How did 'gridlock' move so quickly? <u>https://www.merriam-webster.com/words-at-play/the-history-of-gridlock</u>.
- <sup>8</sup> INRIX 2021 Global Traffic Scorecard. <a href="https://inrix.com/scorecard-city/?city=New%20York%20City%20NY&index=5">https://inrix.com/scorecard-city/?city=New%20York%20City%20NY&index=5</a>.
- MTA Subway and Bus Ridership for 2019. <a href="https://new.mta.info/coronavirus/ridership">https://new.mta.info/coronavirus/ridership</a>. Bus ridership reflects the total annual reported numbers for New York City Transit and MTA Bus Company.
   American Public Transportation Association. 2021 Public Transportation Fact Book, Table 10. <a href="https://www.apta.com/wp-content/uploads/APTA-2021-Fact-Book.pdf">https://www.apta.com/wp-content/uploads/APTA-2021-Fact-Book.pdf</a>; American Public Transit Association. "Public Transportation Ridership Report: Fourth Quarter 2021." <a href="https://www.apta.com/wp-content/uploads/2021-Q4-Ridership-APTA.pdf">https://www.apta.com/wp-content/uploads/2021-Q4-Ridership-APTA.pdf</a>.
- Ernst & Young, LLP, *Economic impacts of the Metropolitan Transportation Authority's 2020-2024 Capital Investment Strategy.* Prepared for The Partnership of New York City. March 2019. https://pfnyc.org/wp-content/uploads/2020/01/MTA-Capital-Plan-2020-24-Econ-Impacts.pdf.
   MTA. October 1, 2019. 2020–2024 Capital Program: Executive Summary. https://new.mta.info/sites/default/files/2019-09/MTA%202020-2024%20Capital%20Program%20-%20Executive%20Summary.pdf.
- <sup>13</sup> Ibid.
- <sup>14</sup> This reflects the portion of the capital program for transit improvements; it includes an additional \$254 million for other transit projects not identified here, as well as a December 2021 amendment that increased the transit- and rail-related portion of the program by \$535 million. The full capital program, including non-transit improvements, includes \$55.3 billion in projects.
- <sup>15</sup> MTA. October 1, 2019. 2020–2024 Capital Program: Executive Summary. https://new.mta.info/sites/default/files/2019-09/MTA%202020-2024%20Capital%20Program%20-%20Executive%20Summary.pdf.
- <sup>16</sup> In April 2019, the legislature passed the MTA Reform and Traffic Mobility Act that authorized TBTA to design, develop, build and operate the Project. Among the provisions, the Act requires that a Traffic Mobility Review Board (TMRB) be established to make recommendations on the toll rates as well as to develop recommendations on crossing credits, exemptions, or discounts. Refer to **Appendix 2B**, "**Project Alternatives: MTA Reform and Traffic Mobility Act**."

August 2022 ES-33

Central Business District (CBD) Tolling Program Environmental Assessment – Executive Summary

ES-34 August 2022

<sup>&</sup>lt;sup>17</sup> The travel demand modeling conducted for this EA and described in **Subchapter 4A**,

<sup>&</sup>quot;Transportation: Regional Transportation Effects and Modeling," included the bicycle lanes as part of the No Action Alternative but not the existing condition.

<sup>&</sup>lt;sup>18</sup> Ibid

<sup>&</sup>lt;sup>19</sup> New bicycle lanes and bus lanes were incorporated in the transportation modeling conducted for this EA and described in **Subchapter 4A**, "**Transportation: Regional Transportation Effects and Modeling**," as appropriate.

<sup>&</sup>lt;sup>20</sup> The High Line is also a historic property (i.e., eligible for listing on the National Register), but is exempt from consideration as a Section 4(f) resource as a historic property as a former railroad property (23 CFR 774.13).

If you have any questions completing this form, please contact Angela Jacobs at (202) 366-0076. Please complete all applicable information and attach this request via email to <a href="mailto:angela.jacobs@dot.gov">angela.jacobs@dot.gov</a> or via U.S. mail to:

Tolling and Pricing Team,
Federal Highway Administration
Office of Operations, Attn: Angela Jacobs,
1200 New Jersey Avenue, SE, Room E-86 204,
Washington, DC, 20590

Please copy your respective FHWA State Division Office

A) What is the requesting agency, authority, or public company? What is the lead office within the requesting agency, authority, or private company?

*Name(s):* New York State through the New York State Department of Transportation (NYSDOT), the Triborough Bridge and Tunnel Authority (TBTA), an affiliate of the Metropolitan Transportation Authority (MTA), and the New York City Department of Transportation (NYC DOT).

Project Website (if applicable) or Your Agency/Company Website:

https://www.dot.ny.gov https://new.mta.info/ https://www1.nyc.gov/dot

B) Contact Information

Name: Ron Epstein

Title: Executive Deputy Commissioner, New York State Department of Transportation

Address: 50 Wolf Road, 6th Floor, Albany, NY 12232

Phone: (518) 457-8362

Email: ron.epstein@dot.ny.gov

Name: Allison L. C. de Cerreño, Ph.D.

Title: Sr. V.P., Business Operations & Transformation Officer, Triborough Bridge and Tunnel Authority

Address: 2 Broadway, New York, New York 10004

Phone: (646) 252-7750

E-mail: acdecerreno@mtabt.org

Name: William Carry

Title: Senior Director for Special Projects, New York City Department of Transportation

Address: 55 Water Street, 9th Floor, New York, NY 10041

Phone: 212-839-6657 Email: wcarry@dot.nyc.gov

#### C) What is the requesting agency seeking? (Please mark appropriate box)

**D**Federal Tolling Authority ONLY for this project or study (no funds requested).

Please briefly elaborate: New York State, through NYSDOT, TBTA and NYC DOT, is seeking federal approval under the Value Pricing Pilot Program (VPPP) to initiate a variable tolling program within the Manhattan Central Business District (CBD), generally defined as the area of Manhattan south and inclusive of 60th Street. The purpose of this variable price tolling program is to reduce the high level of traffic congestion in the CBD. The applicants believe that a variable toll to access the CBD, combined with an investment of the

Page 1 of 8

resultant revenues in improving public transit alternatives, will maximize the congestion reduction in the CBD and the surrounding area.

D) Please provide a brief description of the project/corridor seeking tolling authority. Please identify and describe the subject facility or general area where a toll is to be applied (i.e. name of project/study, location, length, level of service, problem to be addressed, etc.

#### 1). Project History:

The New York City metropolitan region is a vital part of the national economy, accounting for nearly 10% of U.S. gross domestic product. At the center of this region is New York City, home to 8.6 million residents and 4.4 million jobs. Since 2010, the City has undergone tremendous growth and added 440,000 residents, equivalent to the population of Miami, and 700,000 jobs, equivalent to total employment in Philadelphia. New York City is also now the most visited city in the United States, with an estimated 65 million visitors in 2018. Within New York City, the most economically important area is the Manhattan CBD (the area south of and inclusive of 60<sup>th</sup> Street). This area of just nine square miles boasts over two million jobs, 450 million square feet of office space, and 600,000 residents. See Attachment A for a description of the Manhattan CBD.

However, the continued economic vibrancy of the City and region is threatened by rising traffic congestion. With robust growth have come additional demands on the City's transportation infrastructure, with an increasing number of cars, buses, delivery trucks, taxis and for-hire vehicles competing for scarce roadway capacity. Congestion in New York City ranks fourth worst among cities in the United States (*Global Traffic Scorecard*, INRYX, 2018), with the average auto commuter spending an additional 133 hours on the road each year due to traffic. As shown in Attachment B, traffic speeds in Manhattan south of 60<sup>th</sup> Street have steadily fallen: from 9.1 miles per hour (mph) in 2010 to 7 mph in 2018, a decline of 23%.

Traffic congestion adversely affects the economy and quality of life in New York City and the metropolitan region. Low travel speeds and unreliable travel times increase auto commute times and erode worker productivity; reduce bus service quality and depress ridership; raise the cost of deliveries and the overall cost of business; increase vehicle emissions; and degrade the quality of life for residents, visitors, and workers. According to a 2018 analysis by the Partnership for New York City, a business group, congestion in the New York City region will cost business, commuters, and residents \$100 billion over the next five years (PFNYC, 2018).

In terms of air pollution, growing congestion threatens to undermine recent improvements in air quality in New York City and the region. High levels of fine particulate matter (PM2.5), nitrogen dioxide, and nitric oxide—pollutants that exacerbate heart and respiratory disease—continue to be observed in areas of high traffic. The problem is particularly acute in the Manhattan CBD, which a New York City Department of Health and Mental Hygiene (DOHMH) air quality study found has among the highest concentrations of PM2.5 in the city. DOHMH estimates that PM2.5 contributes to more than 2,000 deaths and almost 6,000 emergency room visits and hospitalizations for cardiovascular and respiratory disease each year in the five boroughs.

One of the strategies to reduce the level of congestion experienced in the CBD is sustained investment in public transportation alternatives. More than 75 percent of trips into the Manhattan CBD are made by bus, subway, commuter rail or ferry. Due to the age and extent of the bus and subway system, service quality has declined markedly since 2010. Improving reliability and performance of the bus and subway system is essential to retaining existing riders, increasing ridership and reversing the growth of private car and for-hire vehicles trips, which are putting further stress on the street network. Due to congested conditions, local bus service speeds in Manhattan are, on average, 24% slower than citywide speeds. Reduction in traffic will result in faster more reliable bus service, which will disproportionally benefit low-income residents.

Reducing congestion in the Manhattan CBD is essential to continued economic growth and to improved regional air quality. In recognition of the scope of these challenges, the State of New York enacted legislation in April

Page 2 of 8

2019 creating the Central Business District Tolling Program (CBDTP). Under the program, TBTA, in coordination with the NYS and NYC DOTs, will charge vehicles that enter or remain within in the CBD. Pricing access to the CBD will reduce vehicle demand, relieving congestion and increasing the efficiency of the street network. Revenue raised by the program will provide sustained funding for public transportation, which as it becomes more reliable, will contribute to congestion relief. Please see Attachment C for the CBDTP legislation and Attachment D for a program history.

#### 2.) Area Description:

Vehicles would be charged a toll to enter or remain within the Manhattan CBD, defined in the legislation as Manhattan south of and inclusive of sixtieth street, exclusive of the FDR Drive, New York State Route 9A (known as the West Side Highway or West St.), the Battery Park Underpass, and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West Street. Please see Attachment E for a map of the CBD.

#### 3.) Previous Studies/Current Studies

e.g.(Existing HOV, Managed Lanes/Feasibility, Environmental Impact Statement Project Studies)

In July 2007, the State of New York created the New York City Traffic Congestion Mitigation Commission to consider proposals to reduce congestion in New York City, including a plan put forward by then Mayor Michael Bloomberg to implement congestion pricing in Manhattan. The Commission analyzed and reviewed a number of different strategies for reducing congestion and ultimately recommended a modified version of the Bloomberg congestion pricing plan in January 2008. The proposal was not acted upon by the New York State Legislature. <a href="https://www.dot.ny.gov/programs/repository/TCMC-Final-Report.pdf">https://www.dot.ny.gov/programs/repository/TCMC-Final-Report.pdf</a>

In October 2017, New York Governor Andrew M. Cuomo created the Fix NYC Panel, bringing together community representatives, government officials, and business leaders from across the region. The panel was tasked with developing recommendations to address the severe traffic congestion problems in Manhattan's CBD and identify sources of revenue to fix the subway system. The panel examined what congestion pricing could look like for the Manhattan CBD; the panel's January 2018 final report can be found here: <a href="https://www.hntb.com/HNTB/media/HNTBMediaLibrary/Home/Fix-NYC-Panel-Report.pdf">https://www.hntb.com/HNTB/media/HNTBMediaLibrary/Home/Fix-NYC-Panel-Report.pdf</a>

Building on the work of the Fix NYC Panel, the 2018 New York State Enacted Budget created the Metropolitan Transportation Sustainability Advisory Workgroup. The workgroup examined actions that state and local governments could take to deal with the multiple challenges confronting the transportation system in the New York City region. The panel recommended that congestion pricing be adopted to reduce congestion and generate new revenue to modernize the MTA; the workgroup's December 2018 final report can be found here: <a href="https://pfnyc.org/wp-content/uploads/2018/12/2018-12-Metropolitan-Transportation-Sustainability-Advisory-Workgroup-Report.pdf">https://pfnyc.org/wp-content/uploads/2018/12/2018-12-Metropolitan-Transportation-Sustainability-Advisory-Workgroup-Report.pdf</a>

#### 4.) Project Goals:

The goals of the CBD Tolling Program are to:

#### (1) Reduce traffic congestion

- Key metrics: traffic volumes, speeds, and travel time reliability within the Manhattan CBD and on key routes connecting to the CBD.

#### (2) Improve air quality

- Key metrics: air quality measurements at locations within and around the Manhattan CBD, with a focus on environmental justice communities.

#### (3) Create a sustainable funding source to repair and revitalize the MTA transit system

- Key metric: generate revenues, net of VPPP operating costs, to support \$15 billion in bonds for MTA capital transit repair and revitalization projects.

#### (4) Increase transit ridership

- Key metrics: bus, subway, and commuter rail ridership; modal shift from auto, particularly single occupant vehicles, to transit; quality of transit services.

Page 3 of 8

#### (5) Improve travel options for low-income residents

- Key metrics: quality of transit services available to low-income residents; bus speeds and travel time reliability.

#### 5.) Project Concept:

Vehicles entering the Manhattan CBD would be charged a toll, which would be collected via a cashless tolling system. The legislation leaves open the possibility that trips that occur entirely within the zone could also be charged a toll. It is envisioned that motorists could pay by app, online, by phone, by mail, or through a pre-paid account-based system. The revenues generated by the program would be used to construct, operate and maintain the CBD toll collection program and modernize the MTA transit system, with the goal of attracting new riders and further reducing vehicle demand for scarce road capacity in and connecting to the Manhattan CBD.

E) Which type of facility is proposed to be tolled or studied?  ☐Interstate ☐Non-Interstate ☐Project contains both types of facilities ☑Project is not specific to any type of facility As explained above, vehicles would be charged to enter or remain within a specific area. This area does not
<ul> <li>□Non-Interstate</li> <li>□Project contains both types of facilities</li> <li>□Project is not specific to any type of facility</li> <li>As explained above, vehicles would be charged to enter or remain within a specific area. This area does not</li> </ul>
☐ Project contains both types of facilities ☐ Project is not specific to any type of facility As explained above, vehicles would be charged to enter or remain within a specific area. This area does not
✓ Project is not specific to any type of facility  As explained above, vehicles would be charged to enter or remain within a specific area. This area does not
As explained above, vehicles would be charged to enter or remain within a specific area. This area does not
include an interstate facility.
F) Does the toll project involve ANY construction?
$\square$ No $\square$ Yes (if so, please mark all that apply) $\square$ Not applicable
□New construction □Expansion □Rehabilitation □Reconstruction
☐HOV to HOT Conversion ☐Other not listed.
Limited construction to install tolling infrastructure and supporting utilities will be required. The tolling equipment will, to the extent practicable, be mounted on existing infrastructure. Where this is not practicable, new infrastructure or replacement infrastructure will be installed, likely in the form of street light poles, sign gantries or similar structures that are already in use throughout the city. Power and communications will need to be supplied to these locations if not already present. There may be some minor modification of street geometry to enhance or maintain safe pedestrian, bicycle and vehicle movements. The TBTA and NYC DOT have entered into a memorandum of understanding (MOU) for coordinating the planning, design, installation, construction and maintenance of the CBD tolling infrastructure. Please see Attachment F for a copy of the MOU.
G) Does an HOV lane(s) currently exist on the facility?
$\square$ No $\square$ Yes $\square$ Not applicable
II) What is the timetable to sugget the telling on pricing precises on study?
H) What is the timetable to enact the tolling or pricing project or study?  New York State desires to implement the tolling program in early 2021. A preliminary schedule is presented in
Attachment G.

Page 4 of 8

# I) Are there expressions of support from public officials or the public? Have any public meetings been held? If no public meetings or expressions of support are available, please indicate the agency's plans for ensuring adequate public involvement and seeking public support for the toll project or study.

Legislation approved by the New York State Senate and Assembly and signed by Governor Andrew M. Cuomo went into effect in April 2019. The CBD Tolling Program was proposed by the Governor Cuomo and supported by the Assembly Speaker Carl Heastie, Senate Majority Leader Andrea Stewart-Cousins, New York City Mayor Bill de Blasio and a majority of the New York State Assembly and Senate. In addition, the FixOurTransit coalition, a group representing over 100 business, labor, environmental, transportation and justice organizations, supported the CBD Tolling Program. Please see Attachment H for a list of coalition members and supportive stakeholder statements.

TBTA with NYC DOT will develop a robust public engagement process as the program moves forward. Working with elected officials, community boards, interest groups in town hall and other settings, the agencies will solicit feedback on all phases of the program. Additionally, the federal environmental review process will provide opportunities for public involvement.

## J) Where known (and if applicable), what is plan for implementing tolls or prices and the strategies to vary toll rates or prices (i.e., the formulae for variable pricing)?

The authorizing legislation for the program put forth a general framework that will be refined over the next 18 months. The law mandates that passenger vehicles will be charged once daily to enter or remain in the zone, the toll will be variable, and emergency vehicles and vehicles transporting disabled persons will be exempt from the toll. Residents of the CBD with an adjusted gross income of under \$60,000 will be eligible for a state tax credit for any tolls paid. A new six-member board, called the Traffic Mobility Review Board (TMRB), will recommend specific toll rates and policies, and will consider variable toll options, additional exemptions, and credits for tolls paid on other facilities for adoption by the TBTA Board.

The authorizing legislation also requires TBTA and NYC DOT to conduct a traffic study that the TMRB will use to inform its recommendations. The traffic study will examine a range of toll rates, variable tolling structures, exemptions, and toll credits. The study will be separate from, but consistent with, the traffic analysis required for the federal environmental review for the program (which will also assess other areas of impact).

Preliminary work is underway for the traffic study and the environmental review. Both efforts will rely upon the most advanced modeling and data analysis tools available, including the Best Practice Model (BPM), the regional transportation model developed by New York Metropolitan Transportation Council (the regional metropolitan planning organization).

In order to develop a range of variable tolling structures, rates and policy scenarios for the TMRB's consideration, the traffic study will examine:

- Effects on general traffic volumes, speeds and travel time reliability within and outside the Manhattan CBD
- Effects on driver behavior, including route, mode and time of travel
- Effects on bus speeds and travel time reliability within and outside the Manhattan CBD
- Effects on transit ridership within and to/from the Manhattan CBD
- Effects on vehicle emissions and air quality within and outside the Manhattan CBD
- Effects on low-income drivers to the Manhattan CBD
- Revenue generation
- Other relevant factors

The TMRB will make its recommendations to the TBTA Board between November 15 and December 31, 2020, per the authorizing statute. Informed by the TMRB recommendations, the TBTA Board will follow the

Page 5 of 8

prescribed statutory process for determining the toll structure, which includes a public hearing and a vote on the rates. The environmental review, which is expected to be complete before the TMRB makes its recommendations, will include traffic analysis based on a range of potential rates and variable tolling structures.

Beginning one year after the CBD tolling program is implemented and every two years thereafter for the life of the program, TBTA, in consultation with the NYC DOT, will undertake a comprehensive evaluation of the effects of the program and produce an evaluation report that looks at congestion, air quality, transit ridership and other factors. In addition, NYC DOT will undertake a study of effects of the program on parking activity and demand in and around of the Manhattan CBD, which is due 18 months after the system begins operation.

#### K) What is the reason(s) of the toll project or study? Please mark all that apply.

☐ Financing construction

**☑**Reducing congestion

**☑**Improving air quality

**☑**Other not listed.

#### ADDRESS ALL AREAS

Please briefly elaborate:

#### Reducing Congestion

As detailed in Section D, worsening congestion in and around the Manhattan CBD is increasing commute times, degrading bus service, contributing to vehicle emissions, eroding quality of life, and raising the cost of business. By reducing congestion, the CBD tolling program would reverse these trends by improving the efficiency of the transportation network, including improving bus speeds, and supporting the continued economic growth of the city and region.

#### Improving Air Quality

As detailed in Section D, emissions from the transportation sector are a major contributor to air pollution in New York City and the region, particularly in the congested Manhattan CBD. These emissions exacerbate cardiovascular and respiratory illness and are a public health concern. By reducing traffic volumes and congestion and associated emissions, the CBD tolling program would improve air quality and overall public health.

#### Create a Sustainable Capital Funding Source for Transit

The MTA subway system is over one hundred years old and needs to be fundamentally modernized to serve the needs of New York City and the region. Improvements are also needed in the MTA's bus and commuter rail systems. By creating a new sustainable revenue source, the CBD tolling program would enable the MTA to invest in improving its transportation network, which in turn, would support the program's goals of increasing transit ridership and improving transit services for low-income residents.

#### **Increasing Transit Ridership**

As detailed in Section D, bus and subway service quality in New York City has fallen. As a result, some transit riders have switched to private cars or for-hire vehicle services, putting added strain on the street network. By funding the modernization of the transit network, the CBD tolling program would improve transit services and attract commuters back to the system, helping to further ease demand on surface streets and thus reduce congestion in the CBD.

#### <u>Improving Transit Services for Low-Income Residents</u>

Ninety-eight percent of low-income workers with jobs in the Manhattan CBD do not commute by private vehicle (Community Service Society, 2017). Dedicating program revenues to transit improvements will

Page 6 of 8

disproportionately benefit low-income New Yorkers, who overwhelmingly rely on transit to access employment, education, and essential services. By enabling investments in transit, the CBD tolling program would improve transit options for low-income New Yorkers.

- L) Please provide a description of the public and/or private agency that will be responsible for operation, maintenance, and/or enforcement for the toll project or study?
- 1) **NYSDOT** coordinates and develops comprehensive transportation policy for New York State; coordinates and assists in the development and operation of transportation facilities and services for highways, railroads, mass transit systems, ports, waterways and aviation facilities; and, formulates and keeps current a long-range, comprehensive statewide master plan for the balanced development of public and private commuter and general transportation facilities.
- 2) **TBTA** is authorized by the program legislation to establish, plan, design, construct, install, operate and maintain the Central Business District Tolling Program in consultation with NYC DOT.

TBTA is among the largest toll agencies in the world. In 2018 TBTA served more than 322 million customers and collected nearly \$2.0 billion in toll revenue on its seven bridges and two tunnels within New York City: the Bronx-Whitestone, Cross Bay Veterans Memorial, Marine Parkway-Gil Hodges Memorial, Throgs Neck, Robert F. Kennedy and Verrazzano-Narrows Bridges and the Hugh L. Carey and Queens-Midtown Tunnels. The Legislature created TBTA's initial predecessor, the Triborough Bridge Authority, in 1933 to build the Triborough Bridge. TBTA is a New York State public benefit corporation, currently governed by Article 3, Title 3 of the New York Public Authorities Law, §550 *et seq.* 

TBTA was designed to generate surplus toll revenue, which has been used to support the MTA's integrated transportation network since TBTA became an MTA affiliate in 1968. In 2018, TBTA provided nearly \$1.1 billion in total support for transit. TBTA is also dedicated to maintaining its seven bridges and two tunnels in a state of good repair and to providing safe and efficient travel across its facilities. TBTA's 2015-2019 Capital Program, which totals nearly \$3 billion, gives high priority to key rehabilitation projects. In 2017 TBTA enhanced the customer experience by converting all of its facilities to open road, Cashless Tolling.

3) **NYC DOT**, which owns and operates the roadway network within and outside of the CBD charging zone, will support and assist TBTA. NYC DOT's mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods in the City of New York and to maintain and enhance the transportation infrastructure crucial to the economic vitality and quality of life of our primary customers, city residents. Over 5,000 employees of NYC DOT oversee one of the most complex urban transportation networks in the world. NYC DOT's staff manage an annual operating budget of \$900 million and a five-year \$10.1 billion capital program, along with 6,000 miles of streets and highways, 12,000 miles of sidewalk, and 794 bridges and tunnels, including the iconic East River bridges. NYC DOT's staff also installs and maintains over one million street signs, 12,700 signalized intersections, over 315,000 street lights, and over 200 million linear feet of markings.

M) Please provide a description of how, if at all, any private entities are involved in the up-front costs, or will share in project responsibilities, debt retirement, or revenues?

No private entities are involved.

Page 7 of 8

#### N) Please provide any additional information you feel is necessary.

Below is further information on New York's Best Practice Model (BPM), which will be used for both the environmental review and the traffic study for the TMRB:

The applicants will use the New York Metropolitan Transportation Council's (NYMTC) Best Practice Model (BPM) to assess the potential impact of the tolling program on travel patterns throughout the city and region. The BPM, developed by the New York City metropolitan area's metropolitan planning organization (MPO), is an activity-based transportation model that incorporates transportation behavior and relationships with an extensive set of data that includes a major travel survey of households in the region, land-use inventories, socioeconomic data, traffic and transit counts, and travel times. The applicants will use a base year 2017 BPM calibrated to the toll program, which includes a taxi trip table updated to include for hire vehicles (FHV) trips in New York City in addition to yellow and green taxi trips. The BPM will be used to model several different pricing scenarios and will produce the following metrics: (1) comparison of river crossing volumes by time period (AM, MD, PM, NT, 24 hours), (2) district level vehicle-miles travelled and vehicle hours travelled measures (AM, MD, PM, NT, 24 hours), and district-to-district flow and mode shares (auto, transit, and FHV) for 2021 and 2040 (or another future year). The analysis will include regional routes into Manhattan including trans-Hudson crossings. Districts can be defined at the county and traffic analysis zone level of analysis. New York City districts will include all five boroughs and four to five sub-regions within the Manhattan CBD that will be defined at the start of the program.

Page 8 of 8

## Interagency Consultation Group Meeting on Central Business District Tolling Program Held at NYMTC, NYC on Thursday, August 29, 2019 at 12 noon

#### Attendees:

Shengxin Jin, NYSDOT Michael Sheehan, NYSDEC Hannah Greenberg, USEPA Matthew Laurita, USEPA Gautam Mani, FHWA Nina Chung, FTA

Debra Nelson, NYMTC Gerry Bogacz, NYMTC Sangeeta Bhowmick, NYMTC Afolabi Aiyedun, NYMTC

Lawrence Lennon, MTA Allison C. de Cerreño, MTA Shati Khan, MTA

Peter Liebowitz, WSP Kyle Winslow, WSP Clint Daniels, WSP Rebecca Frohning, WSP Edward Tadross, WSP

#### **AGENDA**

- 1. Overview Central Business District Tolling Project
- 2. Regional Emission Analysis for Project Not from Conforming Plan/TIP
  - a. Assumptions and Added Features
  - b. The Option to Be Analyzed
  - c. Modeling Methodology
    - i. Traffic Modeling
    - ii. Emission Modeling
    - iii. Baseline Analysis
    - iv. Years of Analysis
    - v. Documentation, Review, and Approval
- 3. Project-Level Hot-Spot Screening
- 4. Questions/Discussion

MTA and the project team presented and discussed the legislative requirements of the Central Business District Tolling Program, the project scenarios that will be studied in the environmental review process, travel modeling and regional emissions analysis methodology and assumptions, documentation and review, and project-level hot-spot screening.

Following discussion, ICG concurred with the ensuing assumptions and methodologies:

- NYMTC's NY Best Practice Model (NYBPM) 2010 base model will be used for travel
  analysis; this is the base model used for the analysis supporting the current conformity
  determination for the NYMTC region.
- Assumptions, including converting the BPM from TransCAD 6 to TransCAD 7, adding user classes in highway assignment, and recalibrating for hire vehicles and taxi mode, will be added to the NYBPM 2010 base model for the CBD Tolling Program.
- Regional emissions analysis will be performed on the Modified Baseline Scenario
  (Scenario 1) which represents the best planning assumptions at this time and includes the
  legislative requirements plus a 24/7 toll structure.
- Regional emissions analysis will be run using MOVES2014a, consistent with NYMTC's latest conformity determination.
- MOVES will be run in **Inventory Mode**.
- Consistent with NYMTC's current conformity determination, budget tests for the CBD tolling program will include analysis years 2023, 2025, 2035, 2040, 2045.
- The regional emission analysis will use updated MOVES inputs from NYSDOT for CMAQ (moves\_2014\_nylev file, IM with fuel type 5 & added rows).
- The regional emissions analysis to demonstrate conformity will be documented as an appendix in the environmental documents and the public review will be part of the environmental review process.
- The conformity determination documentation will include a **discussion of the 2008 ozone standard in addition to the 2015 standard**. Since the project will not be implemented until 2021, year 2020 will <u>not</u> be modeled. Also, it will be noted that the area will become serious non-attainment for ozone as of 9/23/2019.
- **Project-level hot-spot screening** will be conducted for the CBDTP as part of the **environmental review process**. If a project-level analysis is needed, the project team will meet with ICG to discuss the approach.
- No separate action/approval will be needed from FHWA, FTA or the NYMTC Program, Finance and Administration Committee (PFAC) for this conformity determination for the Central Business District Tolling Program.

Metropolitan Transportation Authority & Triborough Bridge and Tunnel Authority Central Business District Tolling Program (CBDTP)
October 2019

#### TRANSPORTATION AND TRAFFIC METHODOLOGY FOR NEPA EVALUATION

#### **RESPONSE TO FHWA COMMENTS**

1. Can we provide which guide / number are we going to use for this or are we going to use HCM Chp 11 and 17 for this?

HCM will not be used to estimate reliability since it is very data intensive. This will be a high-level analysis using the alternative method described in NCHRP 825 Section R.

2. How will the study treat interchange terminal, since Synchro does not evaluate that according the HCM procedures?

The Vissim models will include an analysis of ramps and weaving segments.

3. This might be a good appropriation using the output from the BPM, and other planning model, but you are also proposing Synchro/HCS/VISSIM and all those tools have their own ways to calculate the MOEs and one does not calculate LOS. This section needs some clarification.

HCS will not be used. Vissim MOE will include speed, density, and LOS based on density. Synchro MOE will include delays and LOS.

4. How many classes of users will be defined with the VOT?

We are considering two classes of users for VOT: 1) non-CBD vehicular trips and 2) CBD vehicular trips.

5. What is the reasoning for this, are we trying to over emphasize the no-building condition?

The traffic data was mostly collected in June 2019. This traffic is "grown" to the 2021 analysis year by applying a background growth factor. The New York City Environmental Quality Review Technical (CEQR) Technical Manual recommends a 0.25% annual growth be applied to existing traffic volumes to estimate future year No-Action traffic volumes. To be conservative and to account for additional growth due to development projects that may be completed within the next two years, we are using a background growth rate twice the rate in the CEQR Technical Manual. New York City DOT has signed off on this approach.







January 27, 2020

The Honorable Nicole R. Nason Administrator Federal Highway Administration U.S. Department of Transportation 1200 New Jersey Avenue, SE Washington, DC 20590

Dear Administrator Nason:

We appreciate the guidance provided by you, Under Secretary Szabat and your colleagues at the U.S. Department of Transportation during our December 17, 2019 meeting. To facilitate the Federal Highway Administration's pending review of New York State's request to proceed with an area-wide pricing program under the Value Pricing Pilot Program, we are pleased to transmit the requested Traffic and Revenue Study (attached).

The Study provides a framework for the projected range of effects on vehicle trips, including vehicle miles traveled and transit modal shares for both the Manhattan Central Business District and greater New York City region, using a broad range of potential tolling rates. Based on the comprehensive planning work to date, the Study shows a potential reduction in vehicle miles traveled of approximately eight-percent in the Central Business District – levels which would likely improve travel speeds and reduce congestion. Further, the Study shows an overall congestion benefit for the larger region of nearly 600,000 fewer vehicle miles traveled. The Study also indicates that the estimated revenues are consistent with the reasonably expected locally-derived resources necessary to implement New York State's Traffic Mobility Act.

We greatly appreciate your expedited review of the State's Value Pricing Pilot Program request and look forward to working closely with your team to advance this nation-leading approach toward implementing innovative local strategies to reduce congestion. To aid in your review, we are also attaching a copy of the letter response we sent in December. If you have any questions pertaining to the attached study, please contact any of us directly at <a href="MarieTherese.Dominguez@dot.ny.gov">MarieTherese.Dominguez@dot.ny.gov</a>, 518-457-4422; <a href="Proye@mtahq.org">Proye@mtahq.org</a>, 212-878-7230; or <a href="Proye@mtahq.org">Prottenberg@dot.nyc.gov</a>, 212-839-6400.

Sincerely,

Marie Therese Dominguez

Marie france Doming

Commissioner

NYSDOT

Patrick J. Foye

Chairman and CEO

MTA

olly Trottenberg

Commissioner

NYCDOT

CC: J. Szabat, Under Secretary Transportation for Policy, USDOT

R. Epstein, Executive Deputy Commissioner, NYSDOT

A. C. de Cerreño, Senior Vice President, MTA/TBTA

W. Carry, Senior Director, NYCDOT

From: "Price, Anna (FHWA)" <anna.price@dot.gov>

To: "C. de Cerreno, Allison" <allison.cdecerreno@mtahq.org>

Cc: ron.epstein dot.ny.gov <ron.epstein@dot.ny.gov>, "Lafferty, Alma L. (DOT)"

<Alma.Lafferty@dot.ny.gov>, "Oliva, Louis" <LOLIVA@mtahq.org>, "Vaughn-Fair,

Sharon (FHWA)" <Sharon. Vaughn-Fair@dot.gov>, "Marquis, Rick (FHWA)"

<Rick.Marquis@dot.gov>, "Gavin, James (FHWA)" <james.gavin@dot.gov>, "Toni,

Melissa (FHWA)" <melissa.toni@dot.gov>, "Davies, Robert (FHWA)"

<Robert.Davies@dot.gov>, "Catherine S. Leslie - New York State Department of

Transportation (Catherine.Leslie@dot.ny.gov)" <Catherine.Leslie@dot.ny.gov>, "Carter, Lee

Ellen (FHWA)" <lee.ellen.carter@dot.gov>

Subject: CBDTP Purpose and Need

Date: Thu, 10 Jun 2021 14:22:05 +0000

Importance: Normal

Attachments: Revised PN and objectives 6-10-21.docx; Revised PN and objectives 5-24-

21 rjm requests (002).docx

Inline-Images: image003.png

#### Good Morning Allison-

As promised, enclosed is the revised Purpose and Need.

This revised P&N captures the edits you and Rick walked through and also recognizes application to the VPPP.

For your convenience, we have provided a clean copy as well as a redline version showing the changes.

If you have any questions, I can make myself available for a conversation today or tomorrow. Thank you for your patience and for partnering with us.

Anna Price
Director, Office of Program Management

FHWA New York Division Leo O'Brien Building 11A Clinton Ave, Suite 719 Albany, NY 12207 518-431-8858



From: Oliva, Louis [mailto:LOLIVA@mtahq.org]

Sent: Friday, May 28, 2021 11:06 AM

To: Vaughn-Fair, Sharon (FHWA) <Sharon.Vaughn-Fair@dot.gov>

Cc: C. de Cerreno, Allison <allison.cdecerreno@mtahq.org>; ron.epstein dot.ny.gov <ron.epstein@dot.ny.gov>; Lafferty,

Alma L. (DOT) <Alma.Lafferty@dot.ny.gov>; Price, Anna (FHWA) <anna.price@dot.gov>

Subject: CBDTP - FHWA NEPA - Purpose and Need

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

#### Sharon:

Once again thank you and the rest of the FHWA team for the discussion Wednesday regarding FHWA's changes to the Purpose and Need. We do understand the reason for your changes, but we are still uncomfortable with those changes.

After some internal discussion here at MTA/TBTA, we have drafted some proposed changes. We believe these changes address our concerns while still addressing FHWA's concerns.

The attached document contains the language in track changes and a clean version directly below that.

We would greatly appreciate FHWA's response as soon as possible as we cannot begin the required robust outreach until this is resolved.

Thanks.

Lou

Lou Oliva
Deputy General Counsel
MTA
2 Broadway, 4<sup>th</sup> Floor
New York, NY 10004-2207
212-878-4633
loliva@mtahq.org

Confidentiality Note: This e-mail, and any attachment to it, may contain privileged and confidential information and is intended for the use of the individual(s) or entity named on the e-mail. Unauthorized disclosure of this message is prohibited. If you have received this message in error, please notify the sender immediately by return e-mail and destroy this message and all copies thereof, including all attachments.

Purpose & Need and Objectives: proposed revisions

The Project Purpose is to reduce traffic congestion in the Manhattan Central Business District in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into the Federal Highway Administration's Value Pricing Pilot Program.

The Project would address the following needs:

- Reduce vehicle congestion in the Manhattan CBD
- Create a new local, recurring funding source for MTA's capital projects

The following objectives further refine the Project Purpose:

- Reduce daily vehicle-miles traveled (VMT) within the Manhattan CBD
- Reduce the number of vehicles entering the Manhattan CBD daily
- Create a funding source for capital improvements and generate sufficient annual net revenues to fund \$15 billion for capital projects for MTA's Capital Program
- Establish a tolling program consistent with the purposes underlying the New York State legislation entitled the "MTA Reform and Traffic Mobility Act"

From: "C. de Cerreno, Allison" <allison.cdecerreno@mtahq.org>

To: "Price, Anna (FHWA)" <anna.price@dot.gov>

Cc: ron epstein < Ron. Epstein@dot.ny.gov>, "Lafferty, Alma L. (DOT)"

<Alma.Lafferty@dot.ny.gov>, "Oliva, Louis" <LOLIVA@mtahq.org>, "Vaughn-Fair,

Sharon (FHWA)" <Sharon.Vaughn-Fair@dot.gov>, "Marquis, Rick (FHWA)"

<Rick.Marquis@dot.gov>, "Gavin, James (FHWA)" <james.gavin@dot.gov>, "Toni,

Melissa (FHWA)" <melissa.toni@dot.gov>, "Davies, Robert (FHWA)"

<Robert.Davies@dot.gov>, "Catherine S. Leslie - New York State Department of

Transportation (Catherine.Leslie@dot.ny.gov)" <Catherine.Leslie@dot.ny.gov>, "Carter, Lee

Ellen (FHWA)" <lee.ellen.carter@dot.gov>

Subject: RE: CBDTP Purpose and Need Date: Thu, 10 Jun 2021 16:54:20 +0000

Importance: Normal

Inline-Images: image001.png

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you, everyone!

Allison L. C. de Cerreño, Ph.D.

Deputy Chief Operating Officer

Metropolitan Transportation Authority

2 Broadway, 23rd floor • NY, NY 10004

T: 646-252-7750 • M: 646-899-3735

E: allison.cdecerreno@mtahq.org

From: Price, Anna (FHWA) <anna.price@dot.gov>

Sent: Thursday, June 10, 2021 10:22 AM

To: C. de Cerreno, Allison <allison.cdecerreno@mtahq.org>

Cc: ron epstein <Ron.Epstein@dot.ny.gov>; Lafferty, Alma L. (DOT) <Alma.Lafferty@dot.ny.gov>; Oliva, Louis

<LOLIVA@mtahq.org>; Vaughn-Fair, Sharon (FHWA) <Sharon.Vaughn-Fair@dot.gov>; Marquis, Rick (FHWA)

<Rick.Marquis@dot.gov>; Gavin, James (FHWA) <james.gavin@dot.gov>; Toni, Melissa (FHWA)

<melissa.toni@dot.gov>; Davies, Robert (FHWA) <Robert.Davies@dot.gov>; Catherine S. Leslie - New York State

Department of Transportation (Catherine.Leslie@dot.ny.gov) < Catherine.Leslie@dot.ny.gov>; Carter, Lee Ellen (FHWA)

<lee.ellen.carter@dot.gov>

Subject: CBDTP Purpose and Need

Good Morning Allison-

As promised, enclosed is the revised Purpose and Need.

This revised P&N captures the edits you and Rick walked through and also recognizes application to the VPPP.

For your convenience, we have provided a clean copy as well as a redline version showing the changes.

If you have any questions, I can make myself available for a conversation today or tomorrow.

Thank you for your patience and for partnering with us.

Anna Price
Director, Office of Program Management

FHWA New York Division Leo O'Brien Building 11A Clinton Ave, Suite 719 Albany, NY 12207 518-431-8858



From: Oliva, Louis [mailto:LOLIVA@mtahq.org]

Sent: Friday, May 28, 2021 11:06 AM

To: Vaughn-Fair, Sharon (FHWA) < Sharon. Vaughn-Fair@dot.gov >

Cc: C. de Cerreno, Allison <a liston.cdecerreno@mtahq.org>; ron.epstein dot.ny.gov <ron.epstein@dot.ny.gov>; Lafferty,

Alma L. (DOT) < <a href="mailto:Alma.Lafferty@dot.ny.gov">Alma.Lafferty@dot.ny.gov</a>; Price, Anna (FHWA) < <a href="mailto:anna.price@dot.gov">anna.price@dot.gov</a>>

Subject: CBDTP - FHWA NEPA - Purpose and Need

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

#### Sharon:

Once again thank you and the rest of the FHWA team for the discussion Wednesday regarding FHWA's changes to the Purpose and Need. We do understand the reason for your changes, but we are still uncomfortable with those changes.

After some internal discussion here at MTA/TBTA, we have drafted some proposed changes. We believe these changes address our concerns while still addressing FHWA's concerns.

The attached document contains the language in track changes and a clean version directly below that.

We would greatly appreciate FHWA's response as soon as possible as we cannot begin the required robust outreach until this is resolved.

Thanks.

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 28 of 275 PageID: 5710 Lou

Lou Oliva

**Deputy General Counsel** 

**MTA** 

2 Broadway, 4<sup>th</sup> Floor

New York, NY 10004-2207

212-878-4633

loliva@mtahq.org

Confidentiality Note: This e-mail, and any attachment to it, may contain privileged and confidential information and is intended for the use of the individual(s) or entity named on the e-mail. Unauthorized disclosure of this message is prohibited. If you have received this message in error, please notify the sender immediately by return e-mail and destroy this message and all copies thereof, including all attachments.

From: "Lovett, Kenneth" <klovett@mtahq.org>

**To:** "Price, Anna (FHWA)" <anna.price@dot.gov>, "Singer, Nancy (FHWA)" <Nancy.Singer@dot.gov>, "Marquis, Rick (FHWA)" <Rick.Marquis@dot.gov>

Cc: "C. de Cerreno, Allison" <allison.cdecerreno@mtahq.org>, ron epstein <Ron.Epstein@dot.ny.gov>, "WCarry@dot.nyc.gov" <WCarry@dot.nyc.gov>

Subject: CBDTP Ads and Handout

Date: Fri, 20 Aug 2021 00:47:30 +0000

**Importance:** Normal

Attachments: MTA CB District Tolling Program 21x25 01.pdf;

MTA CB District Tolling Program Justice 21x25 02.pdf; CBDTP handout DFT v21 8-

19-21.pdf

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

#### Good evening all,

For your information, attached are the ads we plan to place announcing the Central Business District Tolling Program public meetings--one for the 10 public outreach meetings we have scheduled and one for three that focus on Environmental Justice communities.

Also attached is the public information handout document that explains the project.

We plan to send all three tomorrow at 11 a.m. to be translated into different languages. The ad buy is expected to begin in papers across the region and in parts of New Jersey and Connecticut on Sept. 1.

#### --Ken

Confidentiality Note: This e-mail, and any attachment to it, may contain privileged and confidential information and is intended for the use of the individual(s) or entity named on the e-mail. Unauthorized disclosure of this message is prohibited. If you have received this message in error, please notify the sender immediately by return e-mail and destroy this message and all copies thereof, including all attachments.

and Confidentiality Agreement



### **Central Business District Tolling Program (CBDTP)**

Reduce Traffic, Improve Air Quality, Invest in Mass Transit

Central Business District Tolling Program (CBDTP) would reduce traffic and help MTA improve its transit system. Vehicles that enter or remain in Manhattan's central business district (CBD) would be tolled. Prior studies have shown that programs similar to the CBDTP can improve air quality. Investing in an improved mass transit system could help promote equity by providing expanded access to the system. A federally-required Environmental Assessment must be completed before a program start date can be finalized.

#### Where is the Central Business District located?

The CBD would cover 60th Street in Manhattan and all roadways south of 60th Street, except for:

 FDR Drive and West Side Highway/9A, including the Battery Park Underpass and surface roadway portions of the Hugh L. Carey Tunnel connecting to West Street.



#### Why do we need CBDTP?

 Congestion has clogged Manhattan streets for years and has only gotten worse, with more than 700,000 vehicles, pre-pandemic, entering the CBD daily.

 While traffic dropped to just 10 percent of normal levels in 2020 due to the pandemic, it has since rebounded to 90 percent of pre-pandemic levels, far higher than the rebound of mass transit ridership.

 2 million people, or 43 percent of NYC's 4.7 million-person workforce, work in the CBD.

 American Lung Association's 2021 "State of the Air" lists NY metro region as among the 15 worst for ozone pollution in the United States.

Prepandemic. 260M vehicles entered the CBD each year

#### **Expected Benefits**

- Reduced traffic congestion
- A regular source of money to improve and modernize MTA subway, buses and commuter railroads
- Improved air quality
- Expanded access for low-income residents and visitors by improving travel options

#### **History**

In April 2019, the state enacted the MTA Reform and Traffic Mobility Act (the Act), which states that the MTA's Triborough Bridge and Tunnel Authority (TBTA) needs to design, develop, build and run the CBDTP.

The next step is an Environmental Assessment (EA), which is needed as part of the federal government's environmental review process for major projects. The EA will look at the potential effects of the CBDTP. The EA process will include public outreach. If the federal government approves the program, it can be implemented.

#### How would tolls be set?

There are two ways that the tolls would be set:

- 1. The Act says the CBDTP must:
  - Charge passenger vehicles only once each day for entering or remaining in the CBD
  - Change the toll rates at set times or days (this is called variable tolling)
  - Allow residents of the CBD who make less than \$60,000 to get a New York State tax credit for CBD tolls paid
  - Not toll qualifying authorized emergency vehicles and qualifying vehicles transporting people with disabilities
- 2. A Traffic Mobility Review Board (TMRB) will recommend toll rates to TBTA's Board, which has final say on what the toll rates will be. The TMRB must think about many things before it recommends toll rates, including:
  - How traffic might move
  - Impact on air quality and pollution
  - Costs
  - Effect on the public
  - Safety

#### How would people pay and how would the money be used?

- Customers would be able to use their E-ZPass. If they do not have E-ZPass, they would be able to
  use Tolls by Mail, which mails a toll bill to the address of the registered vehicle owner. Other choices
  would be announced at a later date.
- After paying for the cost of running the CBDTP, 80 percent of the money would be used to improve and modernize New York City Transit, which runs the subways and buses, 10 percent for Long Island Rail Road and 10 percent for Metro-North Railroad.

#### Make Your Voices Heard!

To find out more about the project and how you can participate in, or watch, 10 virtual public meetings on the CBDTP, click here: mta.info/project/CBDTP

To find out more about how to participate in, or watch, virtual meetings focused on potential effects on Environmental Justice (EJ) communities and how you can join or suggest a person for the EJ Stakeholder Working Group, click here: mta.info/project/CBDTP

Provide written comments through the website: mta.info/project/CBDTP

Mail: CBD Tolling Program - 2 Broadway, 23rd Floor New York, NY 10004

Email: CBDTP@mtabt.org

Phone: 646-252-7440

#### **Learn More**

To learn more about the program, submit a comment or sign up for an email to stay informed by visiting www.mta.info



The April 2019 Traffic Mobility Act authorized the Triborough Bridge and Tunnel Authority (TBTA) to design, develop, build, and implement a Central Business District (CBD) Tolling Program.

The program is being designed to reduce congestion in the CBD and provide a reliable revenue source for investment in the region's mass transit network. Vehicles entering, or remaining in, the Manhattan CBD would pay a toll, which would be collected via a cashless tolling system.

The CBD would include the geographic area in Manhattan south and inclusive of 60th Street, except for the FDR Drive, the West Side Highway, Battery Park Underpass and any surface roadway portions of the Hugh L. Carey Tunnel connecting to West Street.

The next step is an Environmental Assessment, which TBTA is undertaking together with New York City Department of Transportation (NYCDOT) and New York State Department of Transportation (NYSDOT), and in close coordination with the Federal Highway Administration (FHWA), the federal lead agency.

### Upcoming public meetings will provide customers with opportunities to:

- Get information about the CBD Tolling Program and comment on the proposed program.
- Learn about the Environmental Assessment being conducted in accordance with the National Environmental Policy Act (NEPA) to evaluate the impact of CBD tolling.

There will be 10 virtual meetings. These virtual meetings are designed to make it easy for those who want to offer public comment and for those who simply want to watch. Each meeting will prioritize speakers from a designated geographic area, though anyone from any area can participate in any, or all, the meetings that work for them. Those without sufficient internet access can participate by phone.

## Participants will be able to watch or participate in the meetings

Join by PC/Tablet/Smartphone: Join link: https://mta.zoom.us/j/82606738045 Webinar ID: 826 0673 8045

Join by Phone:

Dial-in: +1 888 788 0099 (Toll Free) Webinar ID: 826 0673 8045 # then #

Registration is only required for those who want to speak. To sign up, go to new.mta.info/project/CBDTP or call the Public Meeting Hotline at (646) 252-6777

The meetings will also be livestreamed at https://new.mta.info/project/CBDTP.

## Accessibility and Language Assistance Services 2 1

At the public meetings, CART Captioning and American Sign Language services will be available.

Members of the public who are deaf or hard of hearing can use their preferred relay service or the free 711 relay service, and then ask to be connected to the Public Meeting Hotline at (646) 252-6777 to speak with an agent.

Members of the public who are blind or have low vision can request accommodations no later than five business days prior to each meeting by submitting a request online at new.mta.info/project/CBDTP or by calling the Public Meeting Hotline at (646) 252-6777.

Members of the public who do not have access to a computer or who do not have access to the Internet can listen to each of the meetings by calling the Zoom meeting at 1-888-788-0099 (Toll Free). Then enter Webinar ID 826 0673 8045, followed by the pound (#) sign, followed again by the pound (#) sign.

If language assistance or any other accommodations are required, please submit a request at least five business days before the scheduled meeting date in one of the following ways: online at new.mta.info/project/CBDTP, by calling the Public Meeting Hotline at (646) 252-6777, or by sending a letter to MTA Government & Community Relations, Re: MTA CBDTP Public Meetings, 2 Broadway, D17.140, New York, NY 10004. For those who timely request language assistance, the MTA will provide translated information.

## **Meeting dates:**

# New York City Outer Boroughs

Thursday, September 23, 10 AM until noon

## **Manhattan CBD**

Thursday, September 23, 6 PM-8 PM

## **New Jersey**

Friday, September 24, 10 AM until noon

## **Northern New York City Suburbs**

Wednesday, September 29, 10 AM until noon

## Long Island

Wednesday, September 29, 6 PM-8 PM

## **New York City Outer Boroughs**

Thursday, September 30, 6 PM-8 PM

### Connecticut

Friday, October 1, 1 PM - 3 PM

## **New Jersey**

Monday, October 4, 6 PM-8 PM

# Northern New York City Suburbs

Tuesday, October 5, 6 PM-8 PM

## **Manhattan Outside CBD**

Wednesday, October 6, 6 PM-8 PM

TBTA, NYSDOT and NYCDOT are soliciting early comments as part of a robust outreach program required by Federal Highway Administration.

The agencies will also be soliciting formal comments, at a later date, on the Environmental Assessment for the CBD Tolling Program, which will be prepared pursuant to the National Environmental Policy Act (NEPA).

### Other ways to comment:

Online at www.mta.info/project/CBDTP

Email CBDTP@mtabt.org

Mail to CBD Tolling Program, 2 Broadway, 23rd Floor, New York, NY 10004

Phone: 646-252-7440









KATHY HOCHUL Governor

MARIE THERESE DOMINGUEZ

Commissioner

NICOLAS A. CHOUBAH, P.E. Acting Chief Engineer

September 15, 2021

Richard J. Marquis Division Administrator Federal Highway Administration, New York Division Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, New York 12207

Stephen Goodman Regional Administrator Federal Transit Administration, Region 2 1 Bowling Green, Room 429 New York, New York 10004-1415

RE: Request for Approval – DCTC, NYMTC and OCTC Conformity Determinations

Dear Mr. Marquis and Mr. Goodman:

The New York State Department of Transportation (NYSDOT), in consultation with the Dutchess County Transportation Council (DCTC), the New York Metropolitan Transportation Council (NYMTC) and the Orange County Transportation Council (OCTC), is enclosing the transportation conformity determinations for the DCTC, NYMTC and OCTC Transportation Improvement Programs (TIPs) and long-range Metropolitan Transportation Plans (Plans) for your review and approval.

The DCTC and NYMTC adopted new long-range transportation plans (Plans) on July 27, 2021 and September 9, 2021 respectively. These actions require new transportation conformity determinations for:

- The ten-county New York State (NYS) portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT PM<sub>2.5</sub> Maintenance Area consisting of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, and Westchester Counties.
- The nine-county NYS portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT Ozone Nonattainment Area consisting of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester Counties.
- The three-county Poughkeepsie, NY Ozone Nonattainment Area (PONA) consisting of Dutchess, Orange and Putnam Counties; and,
- The seven-county NYS portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT Carbon Monoxide maintenance area consisting of Bronx, Kings, Nassau, New York, Queens, Richmond, and Westchester Counties.

The enclosed conformity determinations were developed in accordance with the transportation conformity regulations issued by the United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC).

The NYMTC and OCTC regional emissions analyses are based on the latest planning assumptions in effect as of April 15, 2021 and April 1, 2021, respectively. The latest planning assumptions, analysis years, and latest emissions model criteria for these conformity determinations were agreed upon through interagency consultation on April 13, 2021. The PONA documentation addresses all conformity requirements for 1997 ozone nonattainment areas. Public comment periods for the draft conformity determinations were held from June 16, 2021 to July 16, 2021. The NYMTC and OCTC each received one comment from the public. Resolution of the comments is included in appendices of the enclosed documentation.

In conclusion, the enclosed conformity determinations and supporting documentation demonstrate that the DCTC, NYMTC and OCTC TIPs and Plans comply with the Clean Air Act and conform to the New York State Implementation Plan for Air Quality.

We request your written approval of these conformity determinations by September 30, 2021.

If you have any questions or need further information, please contact Patrick Lentlie of the Environmental Science Bureau at (518) 457-0212.

Sincerely,

Terence Smith

Director, Environmental Science Bureau

TS/pl/bb

Encl: DCTC Transportation Conformity Determination

NYMTC Transportation Conformity Determination OCTC Transportation Conformity Determination

cc: M. Laurita, USEPA (w/ encl.)

G. Mani, FHWA (w/ encl.)

D. Moser, FTA (w/ encl.)

M. Sheehan, NYSDEC (w/ encl.)

M. Debald, DCTC (w/out encl.)

D. Nelson, NYMTC (w/out encl.)

J. Richmond, OCTC (w/out encl.)

R. Epstein, NYSDOT (w/out encl.)

N. Choubah, NYSDOT (w/out encl.)

From: "Angel, Nichola" <nangel@mtabt.org>

To: "Colangelo-Bryan, Jeremy C. (CPLNJCB)" <JColangelo-bryan@njtransit.com>

Cc: "C. de Cerreno, Allison" <allison.cdecerreno@mtahq.org>, "Wojnar, Michael"

<mwojnar@mtahq.org>, "Lennon, Lawrence" <Lawrence.Lennon@mtacd.org>, "Gregory,

Hazel" <hgregory@mtabt.org>

Subject: CBDTP EA Transit Assessment Meeting Follow-Up

Date: Thu, 03 Mar 2022 16:02:50 -0000

Importance: Normal

#### Hi Jeremy,

I hope all is well. As you are aware we are working on our Environmental Assessment for the Central Business District Tolling Program (CBDTP) which includes two alternatives – a No Action, and an Action. For the Action Alternative, we have six different toll scenarios so that we can model the range of potential effects in a number of areas, one of which is transit. As part of our analysis, we have identified a location – specifically a stairway – that may be affected by the CBDTP under some scenarios and under certain conditions. We would like to discuss these findings with you, your colleagues, and staff from the Port Authority. We are schedule to meet on March 11, 2022 3:30 PM - 4:30 PM. I really hope that you and/or a delegate are able to join us.

### Microsoft Teams meeting

#### Join on your computer or mobile app

Click here to join the meeting

#### Or call in (audio only)

+1 917-933-2166,,270547414# United States, New York City

Phone Conference ID: 270 547 414#

Find a local number | Reset PIN

#### Learn More | Meeting options

This session will be separate from a later session we will be convening ahead of the release of the Environmental Assessment for public review. That session will include other agencies and is currently being planned for late May or early June. During that session, we will review a broader set of findings from the EA; this session will be specific to Hoboken.

Looking forward to speaking with you next week. Feel free to let me know if there are any questions.

Regards,

Nichola Angel
Acting Vice President, ITS & Tolling &
Assistant Vice President, CBD Tolling Program
MTA Bridges & Tunnels | Executive Office

(T): 646 252 7107 | (C): 646 357 2121

From: "Pavlik, Monica (FHWA)" < Monica. Pavlik@dot.gov>

To: "C. de Cerreno, Allison" <allison.cdecerreno@mtahq.org>, "Angel, Nichola" <nangel@mtabt.org>

Cc: "Price, Anna (FHWA)" <anna.price@dot.gov>, "Mani, Gautam (FHWA)"

<gautam.mani@dot.gov>, CBDTP <CBDTP@dot.gov>

Subject: CDBTP - PM2.5/PM10 hot spot analysis

Date: Thu, 3 Mar 2022 16:32:17 +0000

Importance: Normal

#### Allison and Nichola,

In a recent discussion with EPA they noticed that the PM2.5/PM10 hot spot screening analysis did not go through the ICG. This is required by state law:

6 NY CRR Part 240- 2.8(e)- Procedures for projects in PM<sub>10</sub> and/or PM<sub>2.5</sub> nonattainment area.

The lead conformity agency shall determine through interagency consultation if projects located in PM<sub>10</sub> and/or PM<sub>2.5</sub> nonattainment areas require a quantitative PM<sub>10</sub> and/or PM<sub>2.5</sub> hot-spot analysis in accordance with 40 CFR 93.123(b)(1) (see Table 1, section 200.9 of this Title).

Please submit the screening process for the Hot Spot (CBDTP specific) analysis to the ICG - Patrick Lentile,

Patrick.Lentlie@dot.ny.gov. Would you also please include Gautam Mani, gautam.mani@dot.gov?

Thank you,

Monica Pavlik
FHWA Major Project Oversight Manager
12300 W. Dakota Ave Suite 180
Lakewood, CO 80228
Cell - (303) 941-2717
office - (720) 963-3012
fax - (720) 963-3001

From: "Angel, Nichola" <nangel@mtabt.org>

To: "cdegraffe@panynj.gov" <cdegraffe@panynj.gov>, "mokeane@panynj.gov" <mokeane@panynj.gov>, "jstarace@panynj.gov" <jstarace@panynj.gov>, "reisenst@panynj.gov" <reisenst@panynj.gov>, "bsiegel@panynj.gov" <bsiegel@panynj.gov>, "jburkhar@panynj.gov" <jburkhar@panynj.gov>, "dmcshane@panynj.gov" <dmcshane@panynj.gov>, "jchiu@panynj.gov" <jchiu@panynj.gov>, "gwong@panynj.gov>, "gwong@panynj.gov>, "mdicules@panynj.gov" <mdicules@panynj.gov>, "Colangelo-Bryan, Jeremy C. (CPLNJCB)" <JColangelo-bryan@njtransit.com>, "Kriegel, Russell" <rkriegel@panynj.gov>, "Safer, Mathew A. (CCAPMAS)" <MSafer@njtransit.com>, "Kearns, Alan D. (CCAPADK)" <AKearns@njtransit.com>, "Viqueira, William (CFINWXV)" <WViqueira@nitransit.com>

Subject: CBDTP-PANYNJ/NJT on Hoboken Follow up

**Date:** Fri, 18 Mar 2022 21:30:35 -0000

**Importance:** Normal

Attachments: CBDTP Hoboken 2022-03-16.xlsx; CBDTP PPT for PANYNJ v3 03-07-22.pptx

Inline-Images: image001.png; image002.png; image003.png

## Good evening all,

Thank you for meeting with the Central Business District Tolling Program (CBDTP) team on Friday, March 11, 2022. Attached is a copy of the presentation that was shared with the group during the meeting. As discussed, we are also providing an Excel file "CBDTP Hoboken 2022-03-16.xlsx" with passenger assignments and preliminary analysis developed for Hoboken Terminal and PATH station. As discussed, this information is privileged and confidential and we appreciate your treating is at such.

As we explained, the analysis shows that under two of the six scenarios in the Action Alternative, the CBD Tolling Program may result in an adverse effect on PATH stair 01/02 at Hoboken during the AM peak period. Again, this would be expected to occur only if CBDTP Scenarios E or F or a similar tolling structure is adopted by the TBTA Board. Notably, these are the toll structures that have higher toll crossing credits associated with them. And, importantly, the passenger volumes are based on pre-COVID data, so we would not anticipate these effects until passenger volumes rebound to prior levels.

In year 2023 without the CBDTP, the estimated AM peak hour pedestrian volume on Stair 01/02 is 5,404 people in both directions, combined. An adverse effect was determined to occur if 268 or more people are added to that base volume, so that an AM peak hour volume of 5,672 people or more on Stair 01/02 would indicate an adverse effect due to the CBDTP if Scenario E or F or a similar tolling structure is implemented.

As pedestrian volumes at Hoboken are currently below their pre-pandemic levels, the recommended action to mitigate a CBDTP-generated effect is first to periodically monitor AM peak period activity and congestion on the Stair 01/02 and determine if activity is approaching levels projected in the analysis. If that level of pedestrian activity is recorded, then improved signage and wayfinding measures to direct some portion of the pedestrians to use PATH Stair 3 or Stair 5 instead of Stair 01/02 would be implemented.

This mitigation would only be applicable if tolling Scenario E or F or a similar tolling structure were implemented.

This mitigation would not be applicable if a significant development occurs at or near Hoboken Terminal that would be expected to add a comparable number of pedestrians to stair 01/02 in the AM peak hour.

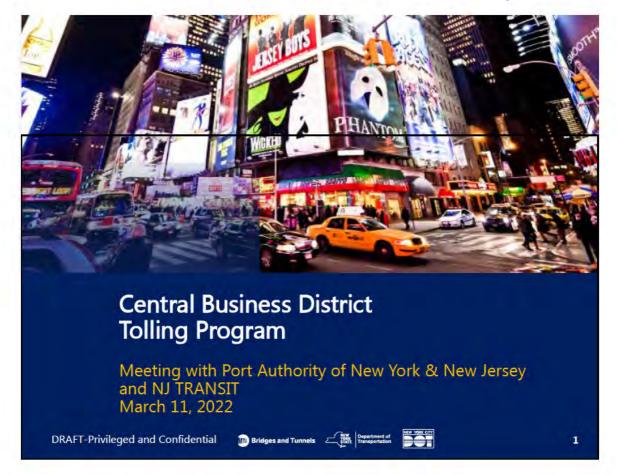
# Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 38 of 275 PageID: 5720

During our meeting, Jeremy Colangelo-Bryan and Clarelle DeGraffe expressed concern over whether new signage and wayfinding could effectively direct people away from Stair 01/02 to stairs 03 or 05 based on NJT's and PANYNJ's experience during the "Summer of Hell" in 2017. While we understand that this wayfinding improvement would not result in a wholesale change in passenger routings, we believe that it has the potential to divert a small portion equal to the relatively small CBDTP incremental effect on the stair. Please reach out if there are questions.

Regards,
Nichola Angel
Acting Vice President, ITS & Tolling &
Assistant Vice President, CBD Tolling Program
MTA Bridges & Tunnels | Executive Office

2 Broadway, 23<sup>th</sup> floor, New York, NY 10004 (E):<u>nangel@mtabt.org</u> | (W) <u>www.mta.info</u> (T): 646 252 7107 | (C): 646 357 2121





# **Project Purpose and Need**

Reduce traffic congestion in the Manhattan CBD in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into the FHWA's Value **Pricing Pilot Program** 

## Address the following needs:

- Reduce vehicle congestion in the Manhattan CBD
- Create a new local, recurring funding source for MTA's capital projects





# **Project Objectives**

## The following objectives further refine the Project purpose:

- Reduce daily vehicle-miles traveled (VMT) within the Manhattan CBD
- Reduce the number of vehicles entering the Manhattan CBD daily
- Create a funding source for capital improvements and generate sufficient annual net revenues to fund \$15 billion for capital projects for the MTA Capital Program
- Establish a tolling program consistent with the purposes underlying the New York State legislation entitled the "MTA Reform and Traffic Mobility Act"

DRAFT-Privileged and Confidential





	Scenario						
	A	В	С	D	E	F.	
Toll Level	Lowest	Low	Medium	High	Highest	Highest	
Net Revenue Projections (\$/B)	\$1.06	\$0.83	\$1.11	\$1.34	\$1.48	\$1.02	
Credits	None		Tolled CBD Crossings; Lower Credit	Tolled CBD Crossings; Higher Credit		All Manhattan; Higher Credit	
Autos				1x Daily			
Taxis	Uncapped	1x Daily @ Auto Rate	Exempt	Uncapped	Exempt	1x Daily @ Auto Rate	
FHVs	Uncapped	1x Daily @ Auto Rate	3x Daily @ Auto Rate	Uncapped	3x Daily @ Auto Rate	1x Daily @ Auto Rate	
Trucks	Uncapped	2x Daily		Uncapped			
Buses	Uncapped	Exempt	Uncapped		Transit: Exempt; Non-Transit: Uncapped	Exempt	

# **Analysis for NJ TRANSIT and PATH Stations**

- Conducted analysis following CEQR method for consistency
- Assigned incremental passenger volumes to station elements
- Identified elements that may be affected by increased volumes
- Conducted pedestrian counts at elements requiring further analysis in October 2021
  - Newark Penn Station
  - Secaucus Junction
  - Hoboken Terminal
- Adjusted 2021 count volumes to represent 2019 pre-COVID volumes based on input from PANYNJ & NJT
- Determined project effects based on CEQR methodology

DRAFT-Privileged and Confidential Bridges and Tunnels Pepartment of Transportation Transportation

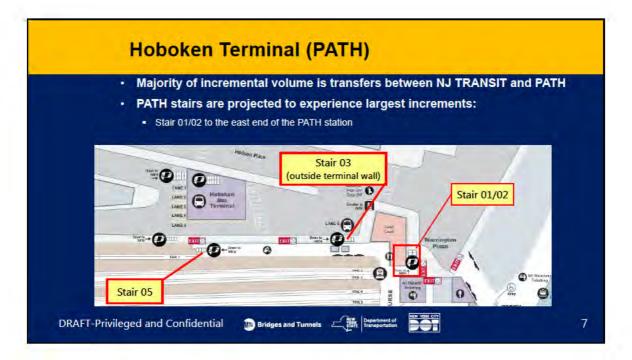






Discuss transfers from both Commuter Rail and Light Rail in AM

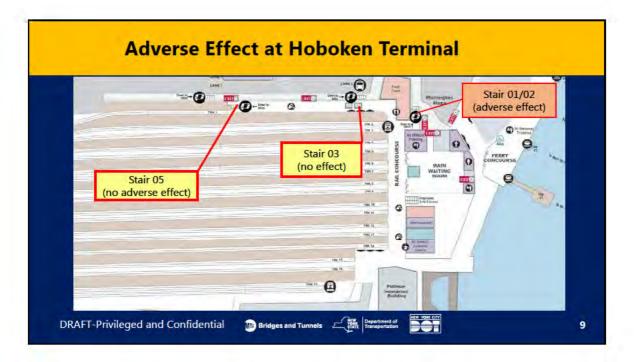
Both approach PATH via the "Rail Concourse"



Discuss two PATH stairs used by people transferring between rail and LRT and PATH (stairs 01/02 and 05)

Stair 03 is not used for transfer because it is outside the wall and not visible to people transferring.

Scenario	A	В	C	D	E	F
Project Incremental Volumes						
Input Volume AM	58	96	162	217	316	268
Input Volume PM	62	103	174	234	340	289
AM Volume Str 1/2	45	72	122	164	240	205
PM Volume Str 1/2	37	64	107	144	207	174
AM LOS	D	D	D	D	E	D
PM LOS	D	D	D	D	D	D
AM V/C	1.29	1.30	1.31	1.32	1.34	1.33
PM V/C	1.08	1.09	1.10	1.11	1.13	1.12
AM Threshold	6.0	6.0	5.0	5.0	5.0	5.0
PM Threshold	8.0	8.0	7.0	7.0	7.0	7.0
AM WIT*	1.1	1.7	3.0	4.0	5.8	5.0
PM WIT*	1,1	2.1	3.5	4.7	6.8	5.6
AM Adverse Effect	NO	NO	NO	NO	YES	YES
PM Adverse Effect	NO	NO	NO	NO	NO	NO



Stair 01/02 received project volumes and experiences a significant adverse effect with Scenarios E and F (only).

Stair 05 received project volumes but does not experience a significant adverse effect. Stair 03 is between Stairs 01/02 and 05, but does not receive transfer volumes because it is outside and not visible to most people.

# **Recommended Approach**

- Monitor passenger volumes and congestion on PATH Stair 01/02
- Implement improved wayfinding to encourage more people to use Stairs 03 and 05 to reach PATH in the AM peak period

DRAFT-Privileged and Confidential







Discuss existing wayfinding and potential for improved wayfinding to direct more people toward Stair 05 (and maybe Stair 03).

Photos taken Sunday afternoon, November 21, 2021

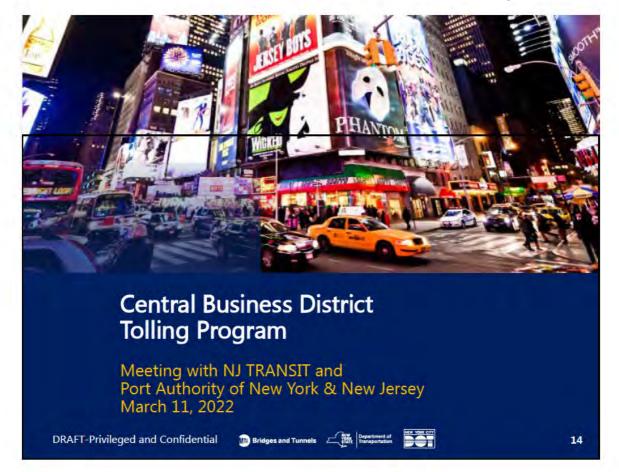


Discuss existing wayfinding and potential for improved wayfinding to direct more people toward Stair 05 (and maybe Stair 03).



This slide is for orientation to where the foot of Stair 3 is located in the PATH station.

Mention that the project does not have a significant adverse effect on exiting the PATH station in the PM, but orientation to Stair 03 may encourage more people to use it in the AM.



From: "Lentlie, Patrick (DOT)" <Patrick.Lentlie@dot.ny.gov>

To: "Sheehan, Michael P (DEC)" <michael.sheehan@dec.ny.gov>, "gautam.mani@dot.gov"

<gautam.mani@dot.gov>, "anna.price@dot.gov" <anna.price@dot.gov>,

"Daniel.moser@dot.gov" <daniel.moser@dot.gov>, "laurita.matthew@epa.gov"

<laurita.matthew@epa.gov>, "Black, Lily" <Black.Lily@epa.gov>, "Burns, Donald (FTA)"

<Donald.Burns@dot.gov>, "Anukwe, Uzoma (FTA)" <uzoma.anukwe@dot.gov>

Cc: "Smith, Terry (DOT)" <Terry.Smith@dot.ny.gov>, "Leslie, Catherine S. (DOT)"

<Catherine.Leslie@dot.ny.gov>, "Nelson, Debra (DOT)" <Debra.Nelson@dot.ny.gov>,

"Neerackal, George (DOT)" <George.Neerackal@dot.ny.gov>, "Savage, Laura E (DOT)"

<Laura.Savage@dot.ny.gov>

Subject: CBDTP Air Quality ICG Meeting: Presentation and proposed methodology

Date: Mon, 18 Apr 2022 21:58:25 +0000

Importance: Normal

Attachments: CBDTP\_ICG\_Meeting\_DRAFT\_v12\_04182022.pptx;

CBDTP PM Hot Spot Methodology 2022-04-18 - Version 4.docx

Inline-Images: image001.jpg

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

NYS ICG for air quality conformity,

The MTA presentation and proposed methodology for considering the local effects of the Central Business District Tolling Program on air quality are attached for your information and review.

Thanks,

Patrick

**Patrick Lentlie** 

Environmental Specialist 2, Environmental Science Bureau

New York State Department of Transportation

50 Wolf Rd, POD 4-1, Albany, NY 12232

(518) 457-0212 | Patrick.Lentlie@dot.ny.gov

www.dot.ny.gov





**New York Division** 

July 12, 2022

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HEA-NY

Allison L. C. de Cerreño, Ph.D. Deputy Chief Operating Officer Metropolitan Transportation Authority 2 Broadway, 23<sup>rd</sup> Floor New York, NY 10004

Nicholas Choubah Executive Deputy Commissioner/CFO New York State Department of Transportation 50 Wolf Rd, 6th Floor, Albany, NY 12232

William Carry Senior Director for Special Projects NYC Department of Transportation 55 Water Street, 9<sup>th</sup> Floor NY, NY 10041

Subject: New York City Central Business District Tolling Program - EA

Dear Ms. C de Cerreño, Mr. Choubah, and Mr. Carry;

This is in response to your June 23, 2022, submission of the *June 2022 Draft Environmental Assessment (EA) for the Central Business District Tolling Program* and revised schedule. This project is undergoing National Environmental Policy Act (NEPA) review as a condition to applying to the Federal Highway Administration's (FHWA) Value Pilot Pricing Program (VPPP) which provides transportation agencies with options to manage congestion through tolling and other pricing mechanisms.

FHWA views congestion pricing for New York City as a significant and potentially precedent-setting project designed to reduce congestion, improve air quality, create a sustainable capital funding source for transit, increase transit ridership and improve transit services for low-income residents. FHWA has been both collaborating with and assisting the Project Sponsors (the New York State Department of Transportation, the Triborough Bridge and Tunnel Authority/Metropolitan Transportation Authority, and the New York City Department of Transportation) throughout the NEPA process to arrive at a timely and informed NEPA determination on this important project and will continue to do so.

FHWA appreciates receiving this revised EA and thinks it reflects the hard work needed to address our previous comments. We support the analysis methods used to consider the effects. Based on our review of the revised EA, we have a few remaining items to address with you to get the document ready for the public's review. Please see the enclosed items that focus on potentially significant impacts and additional mitigation that may be needed.

As you know, FHWA has been coordinating closely with the Environmental Protection Agency (EPA) Region 2 office, as well as the Federal Transit Administration (FTA) Region 2 office throughout the NEPA process. EPA, FTA, and FHWA are committed to working with you over the next couple of weeks in getting the EA out for public and agency review in August following the schedule that we have discussed.

If you have any questions or comments, please contact Monica Pavlik monica.pavlik@dot.gov or Anna Price anna.price@dot.gov.

Sincerely,

RICHARD JOSEPH

Digitally signed by RICHARD JOSEPH MARQUIS Date: 2022.07.12 MARQUIS 17:10:14 -04'00'

> Richard J. Marquis Division Administrator

#### Enclosure

cc: Lisa Garcia, Regional Administrator, EPA Region 2 Stephen Goodman, Regional Administrator, FTA Region 2

Enclosure – FHWA June 12, 2022 response letter to NYC CBDTP June 23, 2022 EA

#### Summarize Issues with Reporting Effects

1. Throughout the document, some adverse effects are not clearly stated or summarily dismissed without a clear basis. With some effects, there also needs to be information on how the effect could be reduced or minimized and that information should be clearly stated as a mitigation commitment. In addition, some of these effects are not included in the summary of effects. The revised EA needs to include all the effects in Table 16-1. Each effect should have a determination on the intensity or magnitude of the effect and for significant adverse effects a corresponding mitigation measure. Please address this throughout the document. We can work through these issues in more detail, as needed, in our scheduled working sessions in the next two weeks.

## **Adequate Mitigation**

2. We should work together to distinguish adverse effect in such a way that we can identify those that require mitigation in order to bring impacts below the level of significance.

For example, the EA should address mitigation for potential disproportionately high and adverse effects on low-income drivers and taxi/for-hire vehicle (FHV) drivers in order to ensure that there are no disproportionately high and adverse effects on environmental justice populations. The EA may also need to include additional mitigation to address the effects specifically to low-income drivers, FHV drivers, taxicab drivers, and the elderly. The proposed mitigation relies heavily on existing services which cannot be considered sufficient mitigation.

#### Strengthen Language and Commitments

3. Remove language within the mitigation portions of the document that include phrases such as, "would be completed if", or "could be done if". For a mitigation commitment to serve to reduce an impact so that it is not a high and adverse impact on an environmental justice population or a significant impact, that mitigation commitment must be phrased as a concrete statement that clearly specifies the responsible party or parties and timeframe: For example, "the mitigation commitment will be completed by.... which entity....at what time (before implementation, after implementation, etc.).

#### Mitigation for the Build Alternative

4. We are concerned that the mitigation for each scenario is not clear. We will work with you to clarify, for each scenario, the high and adverse or significant impacts and the mitigation required to address those impacts.

#### **Small Businesses**

5. In our previous comments, we noted that small businesses had not been considered in the document. In the brief discussion in the revised EA, the effects are vaguely stated without clear conclusions. FHWA recommends clarifying the effects and consider, if appropriate, mitigation such as allowing a time with no toll when congestion is of less concern (during the off-peak or overnight) when trucks can make deliveries.

DOT 0040192

#### **Executive Summary**

6. An Executive Summary is to provide a shorter and clear explanation of the project, including a summary of the effects that the public can easily read. Please ensure the Executive Summary provides a synopsis that can convey the project and its effects to the public.

#### NEPA Process, Neutral Language

7. We suggest revising the language, "Taxi and FHVs would potentially be exempt from the CBD toll, receive a toll discount, or be subject to some other toll reduction such as a cap." because it could be misleading. In fact, only scenario B, C, E and F include some type of cap or exemption. Please address this throughout the document by limiting that language to those scenarios.

## Length of Document

8. The main body of the submitted EA is over 1,000 pages. We believe that a shorter document with some material moved to appendices would be more reader friendly, and digestible by the public. FHWA is providing a redline version that substantially reduces the main body of the EA to approximately 400 pages by removing redundant language and placing text in the appendices.

#### Mobile Source Air Toxics

9. For the MSAT analysis, provide the documentation that supports the analysis. Because the affected network is defined as the 12 entire counties, rather than specific highway links we must include information in the appendix documenting the segments that were included in the MOVES model for MSAT emissions analysis. Further, include a description of why the emissions from these links will change because of the project. Please share this with us as soon as it is available.

The Air Quality chapter defines the affected network based on available project-specific information and consideration of local circumstances, and the traffic analysis (with a citation to the traffic analysis section or the appropriate analysis). The EA also needs to explain what metric is used to define the network. We understand that you used the metric  $\pm$  5% vehicle miles traveled (VMT) instead of annual average daily traffic (AADT). The document must explain why  $\pm$ 5% VMT was used instead of  $\pm$  5% AADT.

#### Traffic Analysis

10. We need to discuss how the focused traffic analysis applied Highway Capacity Software based on Highway Capacity Manual (HCM) Chapter 10. We can work through these issues in more detail, as needed, in our scheduled working sessions in the next two weeks to use a sketch planning tool and preliminary engineering planning guide embedded in the HCM with a focus on volume to capacity.

#### **Related Processes**

11. The project is included in the metropolitan long-range plan. As a reminder, the project must be included in the in the NYMTC TIP before the final NEPA decision. (reference:

<u>Transportation Planning Requirements and their Relationship to NEPA Process</u> <u>Completion (1/28/2008) - TPR and NEPA - Planning - FHWA (dot.gov)</u>

12. The Value Pricing Pilot Program requires the project sponsor report for 10 years on the impacts in 4 areas: Air Quality effects, effects on travel time reliability (improvements to system performance), benefits to transit and measures taken to address negative impacts on low-income groups. Please consider, as appropriate, this to be a reporting requirement made in the EA.

From: "Musolino, Donna (FHWA)" <donna.musolino@dot.gov>

To: "Daniel.Mackay@parks.ny.gov" <Daniel.Mackay@parks.ny.gov>

Cc: "Marquis, Rick (FHWA)" < Rick.Marquis@dot.gov>, "Price, Anna (FHWA)"

<anna.price@dot.gov>, "allison.cdecerreno@mtahq.org" <allison.cdecerreno@mtahq.org>,

Nick Choubah <nick.choubah@dot.ny.gov>, "WCarry@dot.nyc.gov"

<WCarry@dot.nyc.gov>, "Pavlik, Monica (FHWA)" <Monica.Pavlik@dot.gov>,

"Anderson, Cindy (FHWA)" <cindy.anderson@dot.gov>

Subject: CBDTP EA Resource Agencies Meeting August 1 2022

**Date:** Tue, 19 Jul 2022 13:52:02 +0000

**Importance:** Normal

Attachments: NYS Office of Parks Rec Hist Pres MacKay Agency Invite Letter from FHWA 07-

19-2022.pdf

Attached is the Agency Invite Letter from Federal Highway Administration for a meeting on August 1, 2022 to discuss the Environmental Assessment for the Central Business District Tolling Program. If you have questions please contact Anna Price, Director of Program Management at 518-431-8858 or by email at

Anna.Price@dot.gov.

Donna (Vikki) Musolino
Program Coordinator
US Department of Transportation
Leo O'Brien Federal Building, Room 719
11A Clinton Ave
Albany, NY 12207

O: 518-431-8856 C: 757-515-5171



**New York Division** 

July 19, 2022

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HPM-NY

Daniel MacKay, Deputy Commissioner for Historic Preservation
New York State Office of Parks, Recreation and Historic Preservation
625 Broadway, Albany, NY 12207

#### SENT BY E-MAIL

Dear Mr. MacKay:

Transportation Authority (MTA) - the New York State Department of Transportation (NYSDOT), and the New York City Department of Transportation (NYCDOT) (collectively the Project Sponsors) are undertaking a Project to implement a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York. The Project Sponsors are seeking approval from the Federal Highway Administration (FHWA), the Federal lead agency, under its Value Pricing Pilot Program (VPPP) to initiate this variable tolling program. The approval is sought because certain streets within the Manhattan CBD are part of the National Highway System and, in some instances, have been improved with Federal funding through FHWA. On March 30, 2021, FHWA advised the Project Sponsors that they may prepare an Environmental Assessment to meet the requirements of the National Environmental Policy Act (NEPA).

The project sponsors prepared an Environment Assessment and are making it available for public review from August 10 through September 9, 2022. In addition, the project sponsors will conduct six public hearings between August 25 and September 9, 2022.

To help facilitate your agency's review of the Environmental Assessment, the project sponsors invite your agency to participate in a meeting that will include a project overview, description of purpose and need, review of environmental analyses, and project schedule. This meeting will be held on:

Monday, August 1, 2022 9:00-11:00 am

Please accept or decline our invitation to attend the agency meeting by emailing **Anna Price** at <a href="mailto:anna.price@dot.gov">anna.price@dot.gov</a> no later than **July 29<sup>th</sup>**, indicating who will be representing your agency at the meeting. This will be a virtual meeting.

We look forward to your participation for this important transportation project and appreciate your agency's involvement. For more information on this project, please visit the website at <a href="NYC">NYC</a>
<a href="Central Business District Tolling Program (mta.info).</a>

Please do not hesitate to contact us with any questions or comments on the CBD Tolling Program.

Sincerely,

RICHARD Digitally signed by RICHARD JOSEPH MARQUIS

MARQUIS Date: 2022.07.19
08:48:45 -04'00'

Richard J. Marquis Division Administrator Federal Highway Administration, NY Division

cc: Allison C. de Cerreño, Metropolitan Transportation Authority Nicolas A. Choubah, New York State Department of Transportation William Carry, New York City Department of Transportation



**New York Division** 

July 19, 2022

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HPM-NY

Nancy Herter, Director, Technical Preservation Bureau NYS Office of Parks, Recreation and Historic Preservation 625 Broadway, Albany, NY 12207

#### SENT BY E-MAIL

Dear Ms. Herter:

The Triborough Bridge and Tunnel Authority (TBTA) - an affiliate of the Metropolitan Transportation Authority (MTA) - the New York State Department of Transportation (NYSDOT), and the New York City Department of Transportation (NYCDOT) (collectively the Project Sponsors) are undertaking a Project to implement a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York. The Project Sponsors are seeking approval from the Federal Highway Administration (FHWA), the Federal lead agency, under its Value Pricing Pilot Program (VPPP) to initiate this variable tolling program. The approval is sought because certain streets within the Manhattan CBD are part of the National Highway System and, in some instances, have been improved with Federal funding through FHWA. On March 30, 2021, FHWA advised the Project Sponsors that they may prepare an Environmental Assessment to meet the requirements of the National Environmental Policy Act (NEPA).

The project sponsors prepared an Environment Assessment and are making it available for public review from August 10 through September 9, 2022. In addition, the project sponsors will conduct six public hearings between August 25 and September 9, 2022.

To help facilitate your agency's review of the Environmental Assessment, the project sponsors invite your agency to participate in a meeting that will include a project overview, description of purpose and need, review of environmental analyses, and project schedule. This meeting will be held on:

Monday, August 1, 2022 9:00-11:00 am

Please accept or decline our invitation to attend the agency meeting by emailing **Anna Price** at <a href="mailto:anna.price@dot.gov">anna.price@dot.gov</a> no later than **July 29<sup>th</sup>**, indicating who will be representing your agency at the meeting. This will be a virtual meeting.

We look forward to your participation for this important transportation project and appreciate your agency's involvement. For more information on this project, please visit the website at <a href="NYC">NYC</a>
Central Business District Tolling Program (mta.info).

Please do not hesitate to contact us with any questions or comments on the CBD Tolling Program.

Sincerely,

RICHARD Digitally signed by RICHARD JOSEPH MARQUIS

MARQUIS Date: 2022.07.19 08:48:17 -04'00'

Richard J. Marquis Division Administrator

Federal Highway Administration, NY Division

cc: Allison C. de Cerreño, Metropolitan Transportation Authority Nicolas A. Choubah, New York State Department of Transportation William Carry, New York City Department of Transportation

# Agency POCs for August 1 2022

# **Congestion Pricing NEPA process**

	Name	Title/Office	Agency	Address	Phone Number	Email
1. Envir	onmental Protect	ion Administratio	n			
Leadership POC	Dave Kleusner	Director of Strategic Programs Office of the Regional Administrator	US Environmental Protection Agency (EPA) Northeast and the Caribbean	Federal Building, 290 Broadway, New York, NY 10007		kluesner.dave@epa.gov
Technical POC	Mark Austin					austin.mark@epa.gov
Technical POC	Arielle Benjamin					Benjamin.Arielle@epa.gov
2. Fede	ral Transit Admini	stration				
Leadership POC	Stephen Goodman	Regional Administrator	Federal Transit Administration	Region 2 Office Federal Transit Administration One Bowling Green, Room 428		Stephen.Goodman@dot.gov

				New York, NY 10004	
Technical POC	Donald Burns				Donald.Burns@dot.gov
3. Natio	onal Park Service		A		
Leadership POC	Mark Eberle	Resource Planning Specialist / External Review Coordinator	National Park Service	Interior Region 1, North Atlantic- Appalachian  1234 Market Street, 20th Floor, Philadelphia, PA 19107	Mark_eberle@nps.gov  (please note the underscore is not visible with the hyperlink text "Mark_eberle")
Technical POC	Kathy Schlegel				Kathy_Schlegel@nps.gov
4. NY O	ffice Parks, Recrea	tion & Preservati	on		
Leadership POC	Daniel MacKay	Deputy Commissioner for Historic Preservation	New York State Office of Parks, Recreation and Historic Preservation,	625 Broadway Albany, NY 12207	Daniel.Mackay@parks.ny.gov

		Deputy State Historic Preservation Officer	State Historic Preservation - Division of Historic Preservation		
Technical POC	Nancy Herter	Director, Technical Preservation Bureau			Nancy.Herter@parks.ny.gov
Technical POC	Beth Cumming	Coordinator, Consultation Unit			Beth.Cumming@parks.ny.gov

From: CBDTP Outreach < CBDTP.outreach@mtabt.org>

**To:** "ashley@southbronxunite.org" <ashley@southbronxunite.org>, "maritza@alignny.org" <maritza@alignny.org>, "dcastillo@elpuente.us" <dcastillo@elpuente.us>. "juanita@cvhaction.org" < juanita@cvhaction.org>, "environmentaljusticect@gmail.com" <environmentaljusticect@gmail.com>, "kcohen258@gmail.com" <kcohen258@gmail.com>, "JOrozco@HispanicFederation.org" <JOrozco@HispanicFederation.org>, "info@chhayacdc.org" <info@chhayacdc.org>, "Arif Ullah <arif@southbronxunite.org>" <arif@southbronxunite.org>, "melissa@njeja.org" <melissa@njeja.org>, "eddie@nyc-eja.org" <eddie@nyc-eja.org>, "kevin@nyc-eja.org" <kevin@nyc-eja.org>, "elizabeth@uprose.org" <elizabeth@uprose.org>, "dhopkins@ulgh.org" <dhopkins@ulgh.org>, "sonal@weact.org" <sonal@weact.org>, "dshuffler@ympj.org" <dshuffler@ympj.org>, "damaris@goles.org" <damaris@goles.org>, "pastorsbartley@yahoo.com" <pastorsbartley@yahoo.com>, "info@southbronxunite.org" <info@southbronxunite.org>, "tijanewilliams@gmail.com" <tijanewilliams@gmail.com>, "sonal.weact@gmail.com" <sonal.weact@gmail.com>, "annetta@chhayacdc.org" <annetta@chhayacdc.org>, "eunice@nyc-eja.org" <eunice@nyc-eja.org>, "mychal@southbronxunite.org" <mychal@southbronxunite.org>

Cc: "C. de Cerreno, Allison" <allison.cdecerreno@mtahq.org>, "Carry, William" <WCarry@dot.nyc.gov>, "Choubah, Nick (DOT)" <Nick.Choubah@dot.ny.gov>, "Angel, Nichola" <nangel@mtabt.org>

Subject: Follow-Up: CBDTP - Environmental Justice Technical Advisory Group Meeting #7

**Date:** Fri, 13 Jan 2023 15:27:14 +0000

**Importance:** High

Attachments: CBDTP EJTAG Mtg 7 - Proposed Investments share DFT v1 011323.pdf

Dear EJ TAG members,

Thank you again for your continued engagement with us as we seek to finalize both the potential effects of the CBD Tolling Program and the proposed mitigations to be included as commitments in the final Environmental Assessment. As requested, we have included a copy of the presentation used at yesterday's meeting for your continued review.

As it is a draft document developed to support our ongoing engagement with you, we request that it be shared only with members of the EJ TAG. As was discussed, it includes a proposed package of mitigations to address both area-wide mitigations to address effects on EJ communities across the study area and also place-based mitigation measures to address the most burdened EJ communities. We, the Project Sponsors, have proposed a robust mitigation package with proposed funding levels for each of the categories of mitigation.

At yesterday's meeting, it was suggested by some members that the level of funding commitment, particularly for roadside vegetation and parks and greenspace renovations, is insufficient. As we prepare the final EA documentation for submission to FHWA, it would be helpful for us to know what level of funding for these areas you feel would be more appropriate to address the effects of the project on specifically burdened communities. **We would appreciate a response for our consideration at your earliest opportunity.** 

If you have any questions, you can reply to this e-mail or reach out directly to Nichola Angel, Vice President, ITS & Tolling, MTA Bridges & Tunnels at <a href="mailto:nangel@mtabt.org">nangel@mtabt.org</a> or Dr. Allison C. de Cerreño, Deputy Chief Operating Officer, MTA at <a href="mailto:allison.cdecerreno@mtahq.org">allison.cdecerreno@mtahq.org</a>.

Thank you,

The CBDTP Team

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 68 of 275 PageID: 5750 MTA.info/CBDTP

From: "Schneider, Josh" < JSchneider@mtabt.org>

To: "Kusuma, Markus" < Markus.Kusuma@stantec.com>

Cc: "DeRuchie, Lizabeth" < liz@njtpa.org>, "Rick Cippoletti (rcippoletti@njtpa.org)"

<re>crcippoletti@njtpa.org>, "Angel, Nichola" <nangel@mtabt.org>, "C. de Cerreno, Allison" <allison.cdecerreno@mtahq.org>, "Flax, Leah" <leah.flax@mtabt.org>, "Oliva, Louis"</a>

<LOLIVA@mtahq.org>, "Friman, Paul" <pfriman@mtabt.org>

Subject: RE: CBD Tolling Information

Date: Mon, 17 Apr 2023 14:11:51 +0000

Importance: Normal

Good morning Markus,

For consistency, we used the date 2/22/24 for NYMTC's conformity modeling. Feel free to reach out if you need anything else.

Josh Schneider

Deputy Director, Environmental Review and Operations Analysis

ITS and Tolling Department

MTA Bridges and Tunnels

2 Broadway, 23rd Floor

New York, NY 10004

Office [Except Thursdays]: (646) 252-7266

Cell: (929) 237-5058

From: Kusuma, Markus < Markus. Kusuma@stantec.com>

Sent: Thursday, April 13, 2023 11:04 AM
To: Schneider, Josh <JSchneider@mtabt.org>

Cc: DeRuchie, Lizabeth < liz@njtpa.org>; Rick Cippoletti (rcippoletti@njtpa.org) < rcippoletti@njtpa.org>

Subject: RE: CBD Tolling Information

Good morning Josh,

I am assisting Liz in the NJTPA's conformity analysis. Thank you for CBD tolling information. We have the EA report and I believe we have sufficient information to code the Tolling Scenario A (Base Plan) to our model. The only question is when the CBD tolling is assumed to start? We would like to be consistent with NYMTC's assumption. Please feel free to contact us if you have any questions. We appreciate your help.

Thanks, Markus

#### Markus Kusuma, Ph.D, PE

Senior Associate

Travel Demand Modeling and Toll Traffic & Revenue Analysis

1060 Andrew Drive Suite 140, West Chester, PA 19380

Ph: 610 862 7746



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately

From: Schneider, Josh < <a href="mailto:JSchneider@mtabt.org">JSchneider@mtabt.org</a>>

Sent: Friday, April 7, 2023 10:43 AM
To: DeRuchie, Lizabeth <<u>Liz@njtpa.org</u>>

Cc: Kusuma, Markus < <a href="Markus.Kusuma@stantec.com">Markus < <a href="Markus.Kusuma@stantec.com">Markus < <a href="Markus.Kusuma@stantec.com">Markus < <a href="Markus.Kusuma@stantec.com">Markus < a href="Markus.Kusuma@stantec.com">Markus <a href="Markus.Kusuma@sta

Oliva, Louis <LOLIVA@mtahq.org>; Friman, Paul pfriman@mtabt.org>

Subject: RE: CBD Tolling Information

Good morning Liz and great to hear from you!

Likewise happy holidays and glad to see all is well with you at NJTPA on conformity. I'm happy to help with the request. Alternatives studied in detail in the Environmental Assessment (EA) include a No Action Alternative and a CBD Tolling Alternative. Within the CBD Tolling Alternative, seven tolling scenarios were explored to assess the full range of effects

## Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 70 of 275 PageID: 5752

of the CBD Tolling Alternative. Tolling Scenario A "Base Plan" was inputted to NYMTC's Conformity model and a description of this scenario can be found in the EA under section "2.4.2.4 Tolling Scenarios for Environmental Review." The Traffic Mobility Review Board (TMRB) is required to make recommendations regarding the CBD toll structure including potential crossing credits, discounts, and/or exemptions, and to present its recommendations to the TBTA Board for consideration before the CBD Tolling Program is implemented. As the EA process is still ongoing, it is too early for the TMRB to issue recommendations at this time. Regarding timeline, if FHWA issues a favorable decision that allows the project to move forward, the vendor will have up to 310 days to finish design, development, testing and implementation of the tolling system and infrastructure.

I'm happy to discuss this further via Teams if you would like.

Best regards,

Josh Schneider

Deputy Director, Environmental Review and Operations Analysis

ITS and Tolling Department

MTA Bridges and Tunnels

2 Broadway, 23rd Floor

New York, NY 10004

Office [Except Thursdays]: (646) 252-7266

Cell: (929) 237-5058

From: DeRuchie, Lizabeth < Liz@njtpa.org >
Sent: Wednesday, April 5, 2023 3:44 PM
To: Schneider, Josh < JSchneider@mtabt.org >

Cc: Kusuma, Markus < markus.kusuma@stantec.com >; Cippoletti, Richard < rcippoletti@njtpa.org >

Subject: CBD Tolling Information

Hi Josh,

I hope all is well with you and yours. I'm glad to see you are doing well at the MTA.

I'm still working on conformity here at the NJTPA. We're trying to gather information on the CBD Tolling project, specifically which preferred alternative of the seven proposed was selected and a timeline for implementation and toll rates. Any information you can provide would be greatly appreciated.

Thanks so much Josh and Happy Holidays.

Sincerely,

Liz DeRuchie

Manager, Air Quality Programs

NJTPA

Sent from Mail for Windows

Confidentiality Note: This e-mail, and any attachment to it, may contain privileged and confidential information and is intended for the use of the individual(s) or entity named on the e-mail. Unauthorized disclosure of this message is prohibited. If you have received this message in error, please notify the sender immediately by return e-mail and destroy this message and all copies thereof, including all attachments.

Caution: This email originated from outside of Stantec. Please take extra precaution.

**Attention:** Ce courriel provient de l'extérieur de Stantec. Veuillez prendre des précautions supplémentaires.

Atención: Este correo electrónico proviene de fuera de Stantec. Por favor, tome precauciones adicionales.



**New York Division** 

May 5, 2023

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HDA-NY

Allison L. C. de Cerreño, Ph.D. Chief Operating Officer MTA Bridges and Tunnels 2 Broadway, 23<sup>rd</sup> Floor New York, NY 10004

Nicholas A. Choubah, P.E. Chief Engineer New York State Department of Transportation 50 Wolf Rd, 6th Floor, Albany, NY 12232

William Carry Assistant Commissioner for Policy New York City Department of Transportation 55 Water Street, 9<sup>th</sup> Floor NY, NY 10041

Subject: New York City Central Business District Tolling Program - EA

Dear Dr. C de Cerreño, Mr. Choubah, and Mr. Carry:

The Federal Highway Administration (FHWA) reviewed the Final Environmental Assessment (EA) for the Central Business District Tolling Program (CBDTP) submitted on April 25, 2023 and approves its release to the public for a 30-day public notice. The CBDTP must complete the National Environmental Policy Act (NEPA) process as a condition to applying to the FHWA Value Pricing Pilot Program (VPPP). The VPPP provides transportation agencies with options to manage congestion through tolling and other pricing mechanisms.

FHWA reviewed all the comments submitted on the draft EA during the formal public comment period in August and September 2022, along with the comprehensive analysis completed by the New York project sponsors - the New York State Department of Transportation, the Metropolitan Transportation Authority/Triborough Bridge and Tunnel Authority and the New York City Department of Transportation. FHWA worked collaboratively with the New York project sponsors throughout this process and determined that the Final EA addresses the public comments, considers the environmental impacts in the 28-county study area in the States of New

2

York, New Jersey, and Connecticut, and mitigates the adverse effects from the preferred alternative.

As the first proposal in the nation to manage congestion through cordon pricing and per the Council on Environmental Quality regulations (40 CFR 1501.6), FHWA approves release of the Final EA and Draft Finding of No Significant Impact for public review for 30 days before FHWA makes its final determination.

Sincerely,

Richard J. Marquis Division Administrator

cc: Lisa Garcia, Regional Administrator, EPA Region 2 Stephen Goodman, Regional Administrator, FTA Region 2

# CENTRAL BUSINESS DISTRICT (CBD) TOLLING PROGRAM

NEW YORK, NEW YORK

#### Federal Lead Agency

Federal Highway Administration

#### **Project Sponsors**

New York State Department of Transportation Metropolitan Transportation Authority New York City Department of Transportation









**CBD TOLLING PROGRAM** 

#### WHY IS FHWA PUBLISHING A DRAFT FONSI?

The nature of this proposed action is the first proposal in the nation to manage congestion through cordon pricing. Under the Council on Environmental Quality regulations (40 CFR 1501.6) the agency shall make the FONSI available for public review for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin.

### DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FHWA has determined that the Proposed Action described in the Final Environmental Assessment (EA) will have no significant impact on the human or natural environment. This DRAFT FONSI is based on the Final EA and the proposed mitigation, which FHWA has independently evaluated and determined to adequately and accurately discuss the need, environmental issues, and impact of the proposed project and appropriate mitigation measures. The Final EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. FHWA takes full responsibility for the accuracy, scope, and content of the Final EA.

Submitted by:	
Allison L. C. de Cerreño, Ph.D. Chief Operating Officer MTA Bridges and Tunnels	Date
Nicolas A. Choubah, P.E. Chief Engineer New York State Department of Transportation	Date
William Carry Assistant Commissioner for Policy New York City Department of Transportation Approved by:	Date
Richard J. Marquis Division Administrator, New York Division Federal Highway Administration	Date

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 75 of 275 PageID: 5757

DRAFT FINDING OF NO SIGNIFICANT IMPACT

**CBD TOLLING PROGRAM** 

The Federal Highway Administration may publish a notice in the Federal Register, pursuant to 23 United States Code (USC) § 139(I), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

#### **CBD TOLLING PROGRAM**

Тав	LE OF CONTENTS	
1.	What is the Proposed Action?	1
2.	What Are the Commitments to Mitigate Adverse Effects of the Proposed Action?	1
3.	What Has Been Done Since the Final Environmental Assessment (EA)?	23
4.	What Changes Have Been Made to the Final EA?	23
5.	What Feedback Was Received on the Final EA?	23
6.	What Are the Next Steps?	<b>2</b> 3
Тав	LES	
Table	e 1 Summary of Benefits and Effects for the CBD Tolling Alternative with Comparison of Tolling	
Scena	arios	2
Table	e 2 Regional and Place-Based Mitigation Measures	14
Table	e 3 Summary of the CBD Tolling Alternative Implementation Approach for Mitigation and	
Enha	ncement Measures	15

# Appendices — Provided Electronically on the Project Website Hyperlinks will be provided

Appendix A. Central Business District (CBD) Tolling Program Final Environmental Assessment (Place Holder)

Appendix B. Public Feedback on the Final Environmental Assessment (Place Holder)

#### 1. WHAT IS THE PROPOSED ACTION?

The CBD Tolling Alternative would implement a vehicular tolling program to reduce traffic congestion in the Manhattan CBD, consistent with the Traffic Mobility Act.<sup>1</sup>

The Manhattan CBD consists of the geographic area of Manhattan south and inclusive of 60th Street, but not including Franklin D. Roosevelt Drive (FDR Drive), West Side Highway/Route 9A, the Battery Park Underpass, and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West Street (the West Side Highway/Route 9A). With the CBD Tolling Alternative, Triborough Bridge and Tunnel Authority (TBTA), an affiliate of the Metropolitan Transportation Authority (MTA), would toll vehicles entering or remaining in the Manhattan CBD via a cashless tolling system. The toll would apply to all registered vehicles (i.e., those with license plates) with the exception of qualifying vehicles transporting persons with disabilities and qualifying authorized emergency vehicles.<sup>2, 3</sup> Passenger vehicles would be tolled no more than once a day.<sup>4</sup> Vehicles that "remain" in the Manhattan CBD are vehicles that are detected when leaving but were not detected entering in the same day. Given that they were detected leaving, they must have driven through the Manhattan CBD to get to the detection point, and therefore "remained" in it during a portion of the day. These vehicles would be charged that day for remaining in the Manhattan CBD.

Residents whose primary residence is inside the Manhattan CBD and whose New York State adjusted gross income is less than \$60,000 would be eligible for a New York State tax credit equal to the amount of Manhattan CBD tolls paid during the taxable year.

The toll amount would be variable, with higher tolls charged during peak periods when congestion is greater. Because the effects are closely related to the toll structure, the CBD Tolling Alternative evaluated a range of toll structures in defined tolling scenarios. In most of these tolling scenarios, the toll rates for different types of vehicles, like delivery trucks, are different than the toll rates for noncommercial passenger vehicles. The toll rates and structure will be established by the TBTA, see Section 5.

## 2. WHAT ARE THE COMMITMENTS TO MITIGATE ADVERSE EFFECTS OF THE PROPOSED ACTION?

The Traffic Mobility Act amended portions of certain New York State laws, including the Vehicle and Traffic Law, the Public Authorities Law, and the Tax Law. **Appendix 2B of the Final EA, "Project Alternatives: MTA Reform and Traffic Mobility Act,"** provides the amended text of those laws.

Qualifying authorized emergency vehicle is defined in Consolidated Laws of the State of New York, Vehicle and Traffic Law, Title 1, Article 1 Section 101. As currently defined, qualifying vehicles transporting persons with disabilities include vehicles with government-issued disability license plates and fleet vehicles owned or operated by organizations and used exclusively to provide transportation to people with disabilities.

The toll would not apply to vehicles that are not subject to registration requirements, such as bicycles, electric scooters, bicycles with electric assist ("e-bikes").

Passenger vehicle is defined by Consolidated Laws of the State of New York, Vehicle and Traffic Law, Title 4, Article 14 Section 401(6).

## CBD TOLLING PROGRAM

Table 1 Summary of Benefits and Effects for the CBD Tolling Alternative with Comparison of Tolling Scenarios

EA CHAPTER /							то	LLING SCEN	ARIO			POTENTIAL	
ENVIRONMENTAL CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	C	D	E	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
	Vehicle Volumes		Crossing locations to Manhattan CBD	% Increase or decrease in daily vehicles entering the Manhattan CBD relative to No Action Alternative	-15%	-16%	-17%	-19%	-20%	-18%	-17%	No	No mitigation needed. Beneficial effects
	Auto Journeys to		Manhattan CBD	% Increase or decrease in worker auto journeys to Manhattan CBD relative to No Action Alternative	-5%	-5%	-7%	-9%	-11%	-10%	-6%	No	No mitigation needed. Beneficial effects
4A – Transportation: Regional Transportation Effects and Modeling	Manhattan CBD	Decreases in daily vehicle trips to Manhattan CBD overall.  Some diversions to different crossings to Manhattan CBD or around the Manhattan CBD	The state of the s	Absolute increase or decrease in daily worker auto trips to Manhattan CBD relative to No Action Alternative	-12,571	-12,883	-17,408	-24,017	-27,471	-24,433	-14,578	No	no mingaron needed. Benenda cheedo
	Truck Trips Through Manhattan CBD	altogether, depending on tolling scenario. As traffic, including truck trips, increase on some circumferential highways, simultaneously there is a reduction in traffic on other highway segments to the CBD.  Diversions would increase or decrease traffic	Manhattan CBD	Increase or decrease in daily truck trips through Manhattan CBD (without origin or destination in the CBD) relative to No Action Alternative	-4,645 (-55%)	<b>[-4,967]</b> (-59%)	-5,253 (-63%)	-5,687 (-68%)	-6,604 (-79%)	-6,784 (-81%)	[- <b>1,734]</b> (-21%)	No	No mitigation needed. Beneficial effects
	Transit Journeys	volumes at local intersections near the Manhattan CBD crossings.  Overall decrease in vehicle-miles traveled (VMT) in the Manhattan CBD and region overall in all tolling scenarios and some shift from vehicle to	Manhattan CBD	% Increase or decrease in daily Manhattan CBD-related transit journeys relative to No Action Alternative				+1 to +3%				No	No mitigation needed. No adverse effects
	-	transit mode.	Manhattan CBD					-9% to -7%	ó				
			NYC (non-Manhattan CBD)					-1 to 0%	7				No mitigation needed. Beneficial effects in
			New York north of NYC	% Increase or decrease				-1% to 0%	i i			van-	Manhattan CBD, New York City (non-CBD), north of New York City, and Connecticut;
	Traffic Results		Long Island	in daily VMT relative to No Action Alternative			Less t	than (+) 0.2%	6 change			No	although there would be VMT increases in Long Island and New Jersey, the effects would not be
			New Jersey				Less t	than (+) 0.2%	change				adverse.
			Connecticut				Less t	than (+) 0.2%	change				

## **CBD TOLLING PROGRAM**

EA CHAPTER /							TO	LLING SCE	IARIO			POTENTIAL	
ENVIRONMENTAL CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	C	D	E	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
		The introduction of the CBD Tolling Program may	10 highway segments (AM)		0 out of 10 h	ighway corri	dors in the a	analyzed tol	ling scenario	(Tolling Scer	nario D)		Mitigation needed. The Project Sponsors will implement a monitoring plan prior to implementation with post-implementation data collected approximately three months after the start of [tolling] operations and including thresholds for effects; if the thresholds are
		produce increased congestion on highway segments approaching on circumferential roadways used to avoid Manhattan CBD tolls, resulting in increased delays and queues in midday and PM peak hours on certain segments in some tolling scenarios:	10 highway segments (midday)	. Highway segments with	2 out of 10 h well as Tollir			analyzed tol	ling scenario	(Tolling Scer	nario D), as		reached or crossed, the Project Sponsors will implement Transportation Demand Managemen (TDM) measures, such as ramp metering, motorist information, signage at all identified highway locations with adverse effects upon implementation of the Project. [NYSDOT owns
4B – Transportation: Highways and Local Intersections	Traffic – Highway Segments	<ul> <li>Westbound Long Island Expressway (I-495) near the Queens-Midtown Tunnel (midday)         Approaches to westbound George             Washington Bridge on I-95 (midday)     </li> <li>Southbound and northbound FDR Drive             between East 10th Street and Brooklyn Bridge             (PM)</li> <li>Other locations will see an associated             decrease in congestion particularly on routes             approaching the Manhattan CBD</li> </ul>	10 highway segments (PM)	increased delays and queues in peak hours that would result in adverse effects	1 out of 10 h well as Tollii			analyzed to	lling scenaric	(Tolling Sce	nario D), as	Yes	and maintains the relevant segments of the Long Island Expressway and I-95. The relevant segment of the FDR Drive is owned by NYSDOT south of Montgomery Street and NYCDOT north of Montgomery Street. Implementation of TDM measures will be coordinated between the highway owners and the owners of any assets relevant to implementing the TDM.]  Post-implementation [of TDM measures], the Project Sponsors will monitor effects and, if needed, TBTA will modify the toll rates, crossing credits, exemptions, and/or discounts [within the parameters of the adopted toll schedule] to reduce adverse effects.
		Shifts in traffic patterns, with increases in traffic at	363 locations (All day)	Number of instances of	9	10	24	50	48	50	10		
		some locations and decreases at other locations,	102 locations (AM)	intersections with an	2	2	3	3	3	3	2		Mitigation needed. [NYCDOT] will monitor
		would change conditions at some local intersections within and near the Manhattan CBD.	102 locations (midday)	increase in volumes of 50	1	2	4	16	16	17	0		those intersections where [potential] adverse
		Of the 102 intersections analyzed, most	102 locations (PM)	or more vehicles in the	1	1	1	10	9	9	1		effects were identified and implement appropriate signal timing adjustments to mitigate
	lata and the same	intersections would see reductions in delay.	57 locations (overnight)	peak hours.	5	5	16	21	20	21	5	V	the effect, per NYCDOT's normal practice.
	Intersections	Potential adverse effects on four local intersections in Manhattan: Trinity Place and Edgar Street (midday); East 36th Street and Second Avenue (midday); East 37th Street and Third Avenue (midday); East 125th Street and Second Avenue (AM, PM)	4 locations	Locations with potential adverse effects that <b>[will]</b> be addressed with signal timing adjustments	0	0	0	4	4	4	0	Yes	Enhancement  Refer to the overall enhancement on monitoring at the end of this table.

## **CBD TOLLING PROGRAM**

EA CHAPTER / ENVIRONMENTAL								TOLLING SC	ENARIO			POTENTI	
CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	C	D	E	F	G	ADVERS EFFECT	
			New York City Transit					1.5% to 2	2.1%				
			PATH					0.8% to 2	2.0%				
			Long Island Rail Road					0.6% to 2	2.0%				
		The Project would generate a dedicated revenue	Metro-North Railroad					0.6% to	1.9%				
		source for investment in the transit system.	NJ TRANSIT commuter rail	e				0.3% to 2	2.3%				
	Transit Systems	Transit ridership would increase by 1 to 2 percent systemwide for travel to and from the Manhattan	MTA/NYCT Buses	% Increase or decrease in total daily transit				1.3% to 1	1.6%			No	No mitigation needed. No adverse effect
	Transit Cystems	CBD, because some people would shift to transit rather than driving. Increases in transit ridership	NJ TRANSIT Bus	ridership systemwide				0.5% to 1	1.1%			140	no inagation needed. No develop check
		would not result in adverse effects on line-haul capacity on any transit routes.	Other buses (suburban and private operators)					0.0% to (	).9%				
			Ferries (Staten Island Ferry, NYC Ferry, NY Waterway, Seastreak)					2.5% to 3	3.5%				
			Roosevelt Island Tram					1.7% to 4	1.1%				
- nsportation:			Manhattan local buses				Inc	reases of 0.5	5% to 1.2%				
nsit			Bronx express buses					-1.6% to	2.2%			-	
			Queens local and express buses (via Ed Koch Queensboro Bridge)					2.0% to 2	2.8%				
		Decreases in traffic volumes within the Manhattan CBD and near the 60th Street boundary of the	Queens express buses (via Queens-Midtown Tunnel)	% Increase or decrease				-1.3% to	4.1%				
	Bus System Effects	Manhattan CBD would reduce the roadway congestion that adversely affects bus operations,	Brooklyn local and express buses	at maximum passenger load point				1.3% to 2	2.6%			No	No mitigation needed. No adverse effect
		facilitating more reliable, faster bus trips.	Staten Island express routes (via Brooklyn)					3.7% to 4	1.5%				
			Staten Island express routes (via NJ)					1.0% to 2	2.8%				
			NJ/West of Hudson buses (via Holland Tunnel)					-1.4% to	1.4%				
			NJ/West of Hudson buses (via Lincoln Tunnel)					0.4% to 1	1.5%				

## **CBD TOLLING PROGRAM**

EA CHAPTER /							то	LLING SCEN	ARIO			POTENTIAL	
ENVIRONMENTAL CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	Α	В	С	D	E	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
		Increased ridership would affect passenger flows with the potential for adverse effects at certain	Hoboken Terminal–PATH station (NJ) Stair 01/02	Net passenger increases or at stair in the peak hour	45	72	122	164	240	205	139	Yes	Mitigation needed for Tolling Scenarios E and F. TBTA will coordinate with NJ TRANSIT and PANYNJ to monitor pedestrian volumes on Stair 01/02 one month prior to commencing tolling operations to establish a baseline, and two months after Project operations begin. If a comparison of Stair 01/02 passenger volumes before and after implementation shows an incremental change that is greater than or equal to 205, then TBTA will coordinate with NJ TRANSIT and PANYNJ to implement improved signage and wayfinding to divert some people from Stair 01/02, and supplemental personnel if needed.
4C – Transportation: Transit (Cont'd)	Transit Elements	vertical circulation elements (i.e., stairs and escalators) in five transit stations:  Hoboken Terminal, Hoboken, NJ PATH station  Times Sq-42 St/42 St-Port Authority Bus Terminal subway station in the Manhattan CBD (N, Q, R, W, and S; Nos. 1, 2, 3, and 7; and A, C, E lines)  Flushing-Main St subway station, Queens (No. 7 line)  14th Street-Union Square subway station in	42 St-Times Square— subway station (Manhattan) Stair ML6/ML8 connecting mezzanine to uptown 1/2/3 lines subway platform	Relative increase or decrease in passenger volumes at station OVERALL as compared to Tolling Scenario E (not only at the affected stair or location) in the peak hour, peak period	63%	59%	68%	82%	100%	82%	56%	Yes	Mitigation needed. TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, TBTA will coordinate with MTA NYCT to remove the center handrail and standardize the riser, so that the stair meets code without the hand rail. The threshold will be set to allow for sufficient time to implement the mitigation so that the adverse effect does not occur.
		the Manhattan CBD (Nos. 4, 5, and 6; and L, N, Q, R, W lines)  Court Square subway station, Queens (No. 7 and E, G, M lines)	Flushing-Main St subway station (Queens)–Escalator E456 connecting street to mezzanine level	Relative increase or decrease in passenger volumes at station OVERALL as compared to Tolling Scenario E (not only at the affected stair or location) in the peak hour, peak period	116%	91%	108%	116%	100%	133%	72%	Yes	Mitigation needed. TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, MTA NYCT will increase the speed from 100 feet per minute (fpm) to 120 fpm.
			Union Sq subway station (Manhattan)–Escalator E219 connecting the L subway line platform to the Nos. 4/5/6 line mezzanine	Relative increase or decrease in passenger volumes at station OVERALL as compared to Tolling Scenario E (not only at the affected stair or location) in the peak hour, peak period	63%	82%	87%	102%	100%	95%	61%	Yes	Mitigation needed. TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, MTA NYCT will increase the escalator speed from 100 fpm to 120 fpm.

## **CBD TOLLING PROGRAM**

EA CHAPTER /							TO	LLING SCEN	ARIO			POTENTIAL	
ENVIRONMENTAL CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	Α	В	C	D	E	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
4C – Transportation: Transit (Cont'd)	Transit Elements (Cont'd)	Increased ridership would affect passenger flows with the potential for adverse effects at certain vertical circulation elements (i.e., stairs and escalators) in five transit stations (cont'd)	Court Sq subway station (Queens)–Stair P2/P4 to Manhattan-bound No. 7 line	Relative increase or decrease in passenger volumes at station OVERALL as compared	98%	90%	102%	104%	100%	117%	97%	Yes	Mitigation needed. TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, TBTA will coordinate with MTA NYCT to construct a new stair from the northern end of the No. 7 platform to the street. The threshold will be set to allow for sufficient time to implement the mitigation so that the adverse effect does not occur.
4D – Transportation:	Parking	All tolling scenarios would result in a reduction in parking demand within the Manhattan CBD of a similar magnitude to the reduction in auto trips into the	Manhattan CBD	Narrative	Reduction in	parking den	nand due to	reduction in	auto trips to	CBD		No	No mitigation needed. Beneficial effects
Parking	Conditions	Manhattan CBD. With a shift from driving to transit, there would be increased parking demand at subway and commuter rail stations and park-and-ride facilities outside the Manhattan CBD.  Transit facilities  Narrative  Small changes in parking demand at transit facilities, corresponding to increased commuter rail and subway ridership									No	No mitigation needed. No adverse effects	
4E – Transportation: Pedestrians and	Pedestrian Circulation	Increased pedestrian activity on sidewalks outside transit hubs because of increased transit use. At all but one location in the Manhattan CBD (Herald Square/Penn Station), the increase in transit riders would not generate enough new pedestrians to adversely affect pedestrian circulation in the station area. Outside the Manhattan CBD, transit usage at individual stations would not increase enough to adversely affect pedestrian conditions on nearby sidewalks, crosswalks, or corners.	Herald Square/Penn Station NY	Sidewalks, corners, and crosswalks with pedestrian volumes above threshold in AM / PM peak periods	Adverse effe	cts on pedes	strian circula	ation at one	sidewalk seg	ment and two	crosswalks	Yes	Mitigation needed. [NYCDOT] will implement a monitoring plan at this location. The plan will include a baseline, specific timing, and a threshold for additional action. If that threshold is reached, [NYCDOT] will increase pedestrian space on sidewalks and crosswalks via physical widening and/or removing or relocating obstructions.
Bicycles	Bicycles	Small increases in bicycle trips near transit hubs and as	Manhattan CBD	Narrative	Small increa with highest							No	No mitigation needed. No adverse effects
	Disjuice	a travel mode	Outside Manhattan CBD	Narrative	Some shifts	from automo	bile to bicy	cles				No	No mitigation needed. No adverse effects
	Safety	No adverse effects	Overall	Narrative	at existing id exiting the I	lentified high Manhattan C these locati	-crash local BD, the CE ons. This v	tions. Overal 3D Tolling Al would help	l, with fewer v ternative cou o reduce ve	safety concer rehicular trips ld result in re hicle-vehicle	entering and educed traffic	No	No mitigation needed. No adverse effects
5A – Social Conditions:	Benefits	Benefits in and near the Manhattan CBD	28-county study area	Narrative	Benefits in a time reliabili emissions,	ind near the ty, reduced and predict ffect comm	Manhattan vehicle ope able fundir unity conn	CBD related rating costs ng source f ections and	to travel-time improved sa or transit im	e savings, imp ifety, reduced aprovements. employment	l air pollutant This would	No	No mitigation needed. Beneficial effects
Population	Community Cohesion	Changes to travel patterns, including increased use of transit, resulting from new toll	28-county study area	Narrative	would not a connect with	dversely affe to others in the	ect commun neir commun	nity cohesior nity, given th	or make it r	t, as a result of more difficult transit networ d.	for people to	No	No mitigation needed. No adverse effects (see "Environmental Justice" below for mitigation related to increased costs for low-income drivers).

## **CBD TOLLING PROGRAM**

EA CHAPTER /								TOLLING	SCENARIO	10				POTENTIAL	
ENVIRONMENTAL CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	С		)	E	F		G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
	Indirect Displacement	No notable changes in socioeconomic conditions or cost of living so as to induce potential involuntary displacement of residents	Manhattan CBD	Narrative	The Project displacemer lead to char are already where to liv notable increhange in h control, rent residents with not increase	at. It would ges in hous high and the e. In additi- ease in the busing cost estabilization	not resulting price the many on, low-in cost of less, the many of up to \$ 100.00 for the cost of th	t in substa es, given to factors the ncome restriving as a any housi ther simila 60,000, ar	antial chang hat real est hat affect est sidents of the result of the ng units pro ir programs d the concl	ges to rate value and ho che CBI he Projected s, the talusion to	market cor ues in the usehold's O would n ect becaus through N ax credit a nat the cos	nditions so Manhatta decisions of experions se of the lew York' vailable to f goods	o as to an CBD s about ience a lack of s's rent- to CBD	No	No mitigation needed. No adverse effects
∖ – Social	Community Facilities and Services	Increased cost for community facilities and service providers in the Manhattan CBD, their employees who drive, and clientele who drive from outside the CBD	Manhattan CBD	Narrative	The Project into and out facilities and employees outside the users to driv on communication.	would incre of the Man I services of commun CBD. Giver e to commu	ease costs chattan C in the Ma ity faciliti n the wide unity facili	s for common BD and for anhattan ( es who u e range of ties and se	nunity servion r people who CBD, as wo se vehicles travel optio	ce prov ho trave ell as i s to tra ons othe	iders that one idea is the idea idea idea idea idea idea idea ide	operate vole to com of the CE nmunity fa ving, the c	nmunity 3D and acilities cost for	No	No mitigation needed. No adverse effects
A – Social onditions: opulation Cont'd)	Effects on Vulnerable Social Groups	Benefits to vulnerable social groups from new funding for MTA Capital Program	28-county study area	Narrative	The Project v persons with creating a fu capital progri Elderly indivi service with on other forn in the Manhi congestion. People over subways and MTA's parat transport par who drive to enhancemer	disabilities nding sour ams and by duals would he CBD To as of transit attan CBD the age of I buses, an ransit servi atransit us o the Man	to the control of the	dependente MTA 20 congestion the transive, as the subwanefit from a qualifyir individual ding taxis rly people BD would	t population 20–2024 C on in the Ma avel-time a bus passe ay and, as o travel-time g disability s with a qua and FHVs with disab d be entitle	ns, and Capital I capital	non-drive Program (in CBD). bility improved to be ded above, gs due to disability of disability of ting on being the same	r population of	s to bus n riders sengers ease in on MTA receive MTA to ividuals on and	No	No mitigation needed. No adverse effects
	Access to Employment	Increased cost for small number of people who drive to work	28-county study area	Narrative	elderly indivi- Decrease in offsetting ind so based on congestion i employment the wide ran drive today.	work trips I rease in tra the need o n the Manh within the	by driving ansit rider or conven attan CB Manhatta	modes to ship. Tho ience of d D. Negligil n CBD an	and within se who driv riving and w ble effect (le d reverse-c	the Ma re desp would b ess tha commut	nnhattan C ite the CBI enefit from n 0.1%) or ing from th	toll wou the redu travel to ne CBD d	uld do uced o lue to	No	No mitigation needed. No adverse effects
			Manhattan CBD	Narrative	The change elements of							ige the d	defining	No	No mitigation needed. No adverse effects
B – Social Conditions: leighborhood Character	No notable change in neighborhood character	Area near 60th Street Manhattan CBD boundary	Narrative	Changes in just north of disinvestme defining eler	parking de 60th Stree nt that could	mand nea t and dea d lead to a	ar the 60t reases ju adverse ef	n Street CE st to the so fects on nei	3D bou uth) wo ighborh	ndary (incl uld not cre ood chara	eate a clin	mate of	No	No mitigation needed. No adverse effects	
C – Social Conditi olicy	ions: Public	No effect	28-county study area	Narrative	The Project policies in pl							and other	public public	No	No mitigation needed. No adverse effects

## **CBD TOLLING PROGRAM**

EA CHAPTER /							TO	LLING SCEN	ARIO			POTENTIAL	
ENVIRONMENTAL CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	C	D	E	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
	Benefits	Regional economic benefits	28-county study area	Narrative	time reliabil	ity improven	ents, which	would incre	ease product	ivity and utilit	s and travel- y, as well as reductions in	No	No mitigation needed. Beneficial effects
6 – Economic Conditions	Economic Effects of Toll Costs	Cost of new toll for workers and businesses in the CBD that rely on vehicles	Manhattan CBD	Narrative	No adverse CBD. Giver share, the to not adverse	the high level oll would affe	el of transit ct only a sn rations of b	t access in the nall percenta ousinesses in	ne CBD and ge of the ove the Manhat	high percent erall workforc	ne Manhattan age of transit e. This would he viability of	No	No mitigation needed. No adverse effects [New in Final EA - Enhancements The Project Sponsors commit to establishing a Small Business Working Group (SBWG) that will meet 6 months prior and 6 months after Project implementation, and annually thereafter, to solicit ongoing input on whether and how businesses are being affected.  As part of mitigation for other topics, TBTA will ensure the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final CBD toll structure; this will also benefit some workers and businesses.]
	Price of Goods	Cost of new toll would not result in changes in the cost of most consumer goods	Manhattan CBD	Narrative	increase as along to rec charge (sind businesses cost to any	sociated with beiving busing be trucks mall and micro-bu individual beverages)	the new toll esses woul ke multiple d usinesses, n business. S	I in the CBD of the comment of the c	Folling Altern ited among : specially for b aller deliverie iodity sector:	ative that wou several custo usinesses, in s. This would s (construction	ds. Any cost uld be passed mers per toll cluding small minimize the on materials, etition within	No	No mitigation needed. No adverse effects
	Taxi and FHV Industry	Depending on the tolling scenario, the toll could reduce taxi and FHV revenues due to a reduction in taxi/FHV VMT with passengers within the CBD. While this could adversely affect individual drivers (see "Environmental"	28-county study area	Net change in daily taxi/FHV VMT regionwide	-126,993 (-2.9%)	-14,028 (-0.3%)	-73,413 (-1.7%)	-217,477 (-5.0%)	-116,065 (-2.7%)	-4,888 (-1.0%)	-137,815 (-3.2%)	No	No mitigation needed. No adverse effects (see "Environmental Justice" below for mitigation
	madony	Justice" below), the industry would remain viable overall.		Net change in daily taxi/FHV VMT in the CBD	-21,498 (-6.6%)	+15,020 (+4.6%)	-11,371 (-3.5%)	-54,476 (-16.8%)	-25,621 (-7.9%)	+4,962 (+1.5%)	-27,757 (-8.6%)		related to effects on taxi and FHV drivers).
	Local Economic Effects	Changes in parking demand near the 60th Street CBD boundary	Area near 60th Street Manhattan CBD boundary	Narrative	increases ju viability of c	ist north of 60 one or more	Oth Street ar parking faci	nd decrease lities in the a	s just to the s rea south of	outh) could je 60th Street t	ary (including eopardize the out would not neighborhood	No	No mitigation needed. No adverse effects
7 – Parks and Recr Resources	eational	New tolling infrastructure, tolling system equipment, and signage in the southern portion of Central Park	Manhattan CBD	Narrative	Central Par These poles amount of p also place t area atop t soliciting pu	k near 59th s would be in ark space or olling infrastr he High Line blic input rela ect's effects	Street and the same lo affect the foucture bene e structure. ated t	on two adjace ocations as e eatures and a eath the struck FHWA through	cent sidewall existing poles activities of the cture of the h ugh the publ	ks outside the and would n ne park. The l tigh Line, out ic involveme	n locations in e park's wall. ot reduce the Project would side the park nt process is "Section 4(f)	No	No mitigation needed. Refer to Final EA Chapter 7, "Parks and Recreational Resources," for a listing of measures to avoid adverse effects to parks.
8 – Historic and Cu	ıltural Resources	New tolling infrastructure and tolling system equipment on or near historic properties	45 historic properties within the Project's Area of Potential Effects (APE)	Narrative	Preservation	n Act, FHWA	has determ	nined that the	Project wou		ional Historic dverse Effect rred.		No mitigation needed. Refer to Final EA Chapter 8, "Historic and Cultural Resources," for a listing of measures to avoid adverse effects to historic properties.

## **CBD TOLLING PROGRAM**

EA CHAPTER /						TO	LLING SCEN	ARIO			POTENTIAL	
ENVIRONMENTAL CATEGORY TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	С	D	Е	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
9 – Visual Resources	Changes in visual environment resulting from new tolling infrastructure and tolling system equipment	Area of visual effect	Narrative	similar struct array of tolling of license p	ctures alreading system edulates to be	ly in use th quipment wo collected wi	roughout Ne ould use infra thout any ne	w York City. red illuminati eed for visibl	Cameras in on at night to	sign poles, or cluded in the allow images Project would sources	No	No mitigation needed. No adverse effects
			Land of the State									No mitigation needed. No adverse effects
			Increase or decrease in Annual Average Daily [Traffic] (AADT)	3,901	3,996	2,056	1,766	3,757	2,188	3,255		Enhancements 1. Refer to the overall enhancement on monitoring at the end of this table.
		Cross Bronx Expressway at Macombs Road, Bronx, NY	Increase or decrease in daily number of trucks	509	704	170	510	378	536	50	No	2. [TBTA will work with NYC DOHMH] to expand the existing network of sensors to monitor priority locations and supplement a smaller number of real-time PM <sub>2.5</sub> monitors to provide insight into time-of-day patterns to
			Potential adverse air quality effects from truck diversions	No	No	No	No	No	No	No		determine whether the changes in air pollution can be attributed to changes in traffic occurring after implementation of the Project. [The Project Sponsors will select the additional monitoring locations in consideration of air quality analysis in the EA and input from
			Increase or decrease in AADT	9,843	11,459	7,980	5,003	7,078	5,842	12,506		environmental justice stakeholders. NYS Department of Environmental Conservation (NYSDEC) and other agencies conducting monitoring will also be consulted prior to finalizing the monitoring approach.] The Project Sponsors will monitor air quality prior to
10 – Air Quality	Increases or decreases in emissions related to truck traffic diversionsContinued below	I-95, Bergen County, NJ	Increase or decrease in daily number of trucks	801	955	729	631	696	637	-236	No	implementation (setting a baseline), and two years following implementation. Following the initial two-year post-implementation analysis period, [and separate from ongoing air quality monitoring and reporting,] the Project Sponsors will assess the magnitude and
			Potential adverse air quality effects from truck diversions	No	No	No	No	No	No	No		variability of changes in air quality to determine whether more monitoring [sites are] necessary. [Data collected throughout the monitoring program will be made available publicly as data becomes available and analysis is completed. Data from the real-time monitors will be available online continuously from the
			Increase or decrease in AADT	18,742	19,440	19,860	19,932	20,465	20,391	21,006		start of pre-implementation monitoring.]  3. MTA is currently transitioning its fleet to zero-emission buses, which will reduce air pollutants
		RFK Bridge, NY	Increase or decrease in daily number of trucks	2,257	2,423	2,820	3,479	4,116	3,045	432	No	and improve air quality near bus depots and along bus routes. MTA is committed to prioritizing traditionally underserved communities and those impacted by poor air quality and climate change and has developed an approach that actively incorporates these priorities in the deployment phasing process of the transitionContinued below

## **CBD TOLLING PROGRAM**

EA CHAPTER /						TO	OLLING SCE	NARIO			POTENTIAL	
ENVIRONMENTAL CATEGORY TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	C	D	Е	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
10 – Air Quality (Cont'd)	Increases or decreases in emissions related to truck traffic diversions (Cont'd)	RFK Bridge, NY (Cont'd)	Potential adverse air quality effects from truck diversions	No	No	No	No	No	No	No	No	Based on feedback received during the outreach conducted for the Project and concerns raised by members of environmental justice communities, TBTA coordinated with MTA NYCT, which is committed to prioritizing the Kingsbridge Depot and Gun Hill Depot, both located in and serving primarily environmental justice communities in Upper Manhattan and the Bronx, when electric buses are received in MTA's next major procurement of battery electric buses, which [began] in [late] 2022. This independent effort by MTA NYCT is anticipated to provide air quality benefits to the environmental justice communities in the Bronx.
11 – Energy	Reductions in regional energy consumption	28-county study area	Narrative		Reductions	in regional	VMT would	reduce energ	n	No	No mitigation needed. Beneficial effects	
		Bridge and tunnel crossings	Narrative					), which were would not be		djacent to the	No	No mitigation needed. No adverse effects
12 - Noise	Imperceptible increases or decreases in noise levels resulting from changes in traffic volumes	Local streets	Narrative	Tolling Scer noise level i	nario D was ncreases (2 eptible. The	used at all 5 dB(A)), v	other location other location of the other l	ons assessed at Trinity Plac	d. The maxim e and Edgar	wn Brooklyn, um predicted Street, would ne Downtown	No	Enhancement Refer to the overall enhancement on monitoring at the end of this table.
13 – Natural Resources	Construction activities to install tolling infrastructure near natural resources	Sites of tolling infrastructure and tolling system equipment	Narrative	No effects of	n surface w cal resource	es will be	managed th		n stormwater nitments. The		Refer to Final EA Chapter 13, "Natural Resources," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.	
14 – Hazardous Waste	Potential for disturbance of existing contaminated or hazardous materials during construction	Sites of tolling infrastructure and tolling system equipment	Narrative	of existing i	oadway infr ad-based p	astructure aint, or oth	and utilities ner hazardou	that could co	or disturbance os-containing effects will be	No	Refer to Final EA Chapter 14, "Asbestos- Containing Materials, Lead-Based Paint, Hazardous Wastes, and Contaminated Materials," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.	
15 – Construction Effects	Potential disruption related to construction for installation of tolling infrastructure	Sites of tolling infrastructure and tolling system equipment	Narrative	activities, w	th a duration	of less tha	an one year		construction two weeks at ommitments.		Refer to Final EA Chapter 15, "Construction Effects," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.	

## **CBD TOLLING PROGRAM**

EA CHAPTER /		TOLLING SCENARIO												POTENTIAL	
ENVIRONMENTAL CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	Ā	В		С	D	Е		F	G		MITIGATION AND ENHANCEMENTS
ENVIRONMENTAL CATEGORY  17 – Environmental	TOPIC  Low-income drivers			DATA SHOWN IN TABLE  Narrative		B eased cost to	to drivers	С	D	E	ng scena	F arios.	G	POTENTIAL ADVERSE EFFECT	Mitigation needed. The Project will include a tax credit for CBD tolls paid by residents of the Manhattan CBD whose New York adjusted gross income for the taxable year is less than \$60,000. TBTA will coordinate with the New York State Department of Taxation and Finance (NYS DTF) to ensure availability of documentation needed for drivers eligible for the NYS tax credit.  TBTA will post information related to the tax credit on the Project website, with a link to the appropriate location on the NYS DTF website to guide eligible drivers to information on claiming the credit.  TBTA will eliminate the \$10 refundable deposit currently required for E-ZPass customers who do not have a credit card linked to their account, and which is sometimes a barrier to access.  TBTA will provide enhanced promotion of existing E-ZPass payment and plan options, including the ability for drivers to pay per trip (rather than a pre-load[ed] balance), refill their accounts with cash at participating retail locations, and discount plans.
Justice	Low-income drivers	affected and the addition of new mitigation, the Final EA concludes there would not be a disproportionately high and adverse effect on low-income driversContinued below]	28-county study area	Narrauve	The Incre	eased cost i	o anvers	would to	occur un	<b>aer</b> y all tolli	ng scena	inos.		res	participating retail locations, and discount plans already in place, about which they may not be aware.  TBTA will coordinate with MTA to provide outreach and education on eligibility for existing discounted transit fare products and programs, including those for individuals 65 years of age and older, those with disabilities, and those with low incomes, about which many may not be aware.
															The Project Sponsors commit to establishing an Environmental Justice Community Group that [will] meet on a [quarterly] basis, with the first meeting [taking place prior to] Project implementation, to share updated data and analysis and hear about potential concerns. [As it relates to environmental justice, the Project Sponsors will continue providing meaningful opportunities for participation and engagement by sharing updated data and analysis, listening to concerns, and seeking feedback on the toll setting process.]Continued below

## **CBD TOLLING PROGRAM**

EA CHAPTER / ENVIRONMENTAL					TOLLING SCENARIO							POTENTIAL	
CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	С	D	E	F	G	ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
	Low-income drivers (Cont'd)	[The EA as published in August 2022 found] the increased cost to drivers with the new CBD toll would disproportionately affect low-income drivers to the Manhattan CBD who do not have [a reasonable] alternative for reaching the Manhattan CBD. [With further analysis of the population affected and the addition of new mitigation, the Final EA concludes there would not be a disproportionately high and adverse effect on low-income drivers. (Cont'd).]											[New in Final EA –TBTA will ensure the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final CBD toll structure; this will benefit lowincome drivers who travel during that time.
17 – Environmental Justice (Cont'd)				Narrative	The increased cost to drivers with the new CBD toll would <b>[occur under]</b> all tolling scenarios (Cont'd).					Yes	New in the Final EA – For five years, TBTA commits to a Low-Income Discount Plan for low-income frequent drivers who will benefit from a 25 percent discount on the full CBD E-ZPass toll rate for the applicable time of day after the first 10 trips in each calendar month (not including the overnight period, which will already be deeply discounted).  Enhancement TBTA will coordinate with MTA NYCT to improve bus service in areas identified in the EA as the Brooklyn and Manhattan Bus Network Redesigns move forward.]		
		[The EA as published in August 2022 found a] potential disproportionately high and adverse effect		Narrative	Potential adverse effect would occur in Tolling Scenarios A, D, and G, which would no have caps or exemptions for taxis and FHV drivers.				ch would not				
	Taxi and FHV drivers	would occur to taxi and FHV drivers in New York City, who largely identify as minority populations, in tolling scenarios that toll their vehicles more than once a day. This would occur in unmodified Tolling Scenarios A, D, and G, for FHV drivers, it would		Change in daily taxi/FHV VMT with passengers in the CBD relative to No Action Alternative: Scenarios included in EA	-21,498 (-6.6%)	+15,020 (+4.6%)	-11,371 (-3.5%)	-54,476 (-16.8%)	-25,621 (-7.9%)	+4,962 (+1.5%)	-27,757 (-8.6%)	Yes	[New in Final EA – Mitigation needed. TBTA will ensure that a toll structure with tolls of
				Net change in daily taxi/FHV trips to CBD relative to scenarios included in EA: Additional analysis to assess effects of caps or exemptions	Tolls capped at 1x / Day: +2%	j.s.	-	Tolls capped at 1x / Day: +3% Exempt: +50%	-	-	Tolls capped at 1x / Day: +2%	, , ,	no more than once per day for taxis or FH\ is included in the final CBD toll structure.]

#### CBD TOLLING PROGRAM

EA CHAPTER / ENVIRONMENTAL							TOLLI	ING SCEN	ARIO				POTENTIAL ADVERSE	
CATEGORY	TOPIC	SUMMARY OF EFFECTS	LOCATION	DATA SHOWN IN TABLE	A	В	C	D	E		F	G	EFFECT	MITIGATION AND ENHANCEMENTS
														New in Final EA – Mitigation needed.
														Regional Mitigation TBTA will ensure the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final toll structure; this will reduce truck diversions.
			The specific census tracts that would experience increased or decreased											NYCDOT will expand the NYC Clean Trucks Program to accelerate the replacement of eligible diesel trucks, which travel on highways in certain environmental justice communities where the Project is projected to increase truck traffic, to lower-emission electric, hybrid, compressed natural gas, and clean diesel vehicles.
	Increases or decreases in traffic,		traffic change slightly depending on the tolling scenario. The following communities could have census tracts that merit		·									NYCDOT will expand its off-hours delivery program in locations where the Project is projected to increase truck diversions to reduce daytime truck traffic and increase roadway safety in certain environmental justice communities.
[17 – Environmental Justice (Cont'd)	as a result of traffic diversions, in communities already overburdened by pre-existing air pollution and	Certain environmental justice communities would benefit from decreased traffic; some communities that are already overburdened by pre-existing air pollution and chronic diseases could see an adverse effect as a result of increased traffic.	place-based mitigation: High Bridge, Morrisania and Crotona, Tremont, Hunts Point, Mott Haven, Pelham, Throgs Neck, Northeast Bronx, East Harlem, Randall's Island, Lower East Side/Lower Manhattan, Downtown	Narrative	would bene vary some	Census tracts with pre-existing air pollutant and chronic disease burdens tha would benefit from reduced traffic, and those affected by increased traffic would vary somewhat, but the identified communities remain largely the same across tolling scenarios. Under Tolling Scenario G, Fort Lee would not experience increases.			l Yes	Place-based Mitigation TBTA will toll vehicles traveling northbound on the FDR Drive that exit at East Houston Street and then turn to immediately travel south on FDR Drive; this will mitigate modeled non-truck traffic increases on the FDR Drive between the Brooklyn Bridge and East Houston Street.				
	chronic diseases									NYCDOT will coordinate to replace diesel-burning TRUs at Hunts Point with cleaner vehicles.				
			Brooklyn, Fort Greene, South Williamsburg, Orange, East Orange,											NYSDOT will coordinate to expand electric truck charging infrastructure.
			Newark, and Fort Lee. (See Note 1.)							The Project Sponsors will coordinate to install roadside vegetation to improve near-road air quality.				
											The Project Sponsors will renovate parks and greenspaces.			
														The Project Sponsors will install or upgrade air filtration units in schools.
											The Project Sponsors will coordinate to expand existing asthma case management programs and create new community-based asthma programming through a neighborhood asthma center in the Bronx.]			

**OVERALL PROJECT ENHANCEMENT.** The Project Sponsors commit to ongoing monitoring and reporting of potential effects of the Project, including for example, traffic entering the CBD, vehicle-miles traveled in the CBD; transit ridership from providers across the region; bus speeds within the CBD; air quality and emissions trends; parking; and Project revenue. Data will be collected in advance and after implementation of the Project. A formal report on the effects of the Project will be issued one year after implementation and then every two years. In addition, a reporting website will make data, analysis, and visualizations available in open data format to the greatest extent [practicable]. Updates will be provided on at least a bi-annual basis as data becomes available and analysis is completed. [This data will also be used to support an adaptive management approach to monitoring the efficacy of mitigation, and adjustments as warranted.]

#### [Note:

The Project Sponsors have committed to a toll policy that will reduce the overnight toll rate from at least 12:00 a.m. to 4:00 a.m. Based on the modeling undertaken for the tolling scenarios analyzed in the EA, it is expected that this policy will avoid a substantial portion of projected truck diversions, as many of these diverted trucks were projected to occur during the overnight hours. Following the adoption of the CBD tolling structure by the TBTA Board, which will include this overnight exemption/discount, modeling of the adopted tolling structure will be undertaken to determine where truck diversions are expected to occur. After the communities and census tracts are confirmed through the analysis of the adopted toll schedule, specific siting of place-based mitigation measures will require further coordination between the Project Sponsors, the Environmental Justice Community Group (representing the 10-county environmental justice study area), the relevant communities receiving the place-based mitigation, and relevant local and state implementing agencies.]

#### **CBD TOLLING PROGRAM**

Table 2 Regional and Place-Based Mitigation Measures

MITIGATION MEASURES	BENEFIT AND RESULT OF MITIGATION	5-YEAR FUND- ING	RELEVANT LOCATION(S)	FUNDING SOURCE	IMPLEMEN-TATION LEAD
Regional Mitigation			(-)		
Further reduced overnight toll	Minimize/avoid truck diversions	\$30 million		CBD Tolling Program	ТВТА
Expand NYC Clean Trucks Program	NOx and PM <sub>2.5</sub> reductions from ~500 new clean trucks	\$20 million	10-county environmental justice study area	CBD Tolling Program	NYCDOT
Expand NYCDOT Off-Hours Delivery Program	Safety and emissions reduction benefits resulting from reduced truck traffic during the day	\$5 million	justice study area	CBD Tolling Program	NYCDOT
Place-Based Mitigation					
Toll vehicles traveling northbound on the FDR Drive that exit at East Houston Street and then travel southbound on FDR Drive	25 to 35 percent of the non-truck traffic increases on the FDR Drive could be mitigated	N/A	FDR Drive between the Brooklyn Bridge and East Houston Street	N/A	ТВТА
Replacement of Transport Refrigeration Units (TRUs) at Hunts Point Produce Market	Major NOx and PM <sub>2.5</sub> reductions from the replacement of up to 1,000 TRUs	\$15 million <sup>2</sup>	Hunts Point	MTA CMAQ Program	NYCDOT
Implement Electric Truck Charging Infrastructure	NOx and PM <sub>2.5</sub> reductions from electric vehicles using 35 new chargers (at seven stations)	\$20 million		\$10 million Federal CRP + \$10 million CBD Tolling Program	NYSDOT
Install Roadside ∀egetation to Improve Near-Road Air Quality	Improves near-road air quality by pollutant capture from ~4,000 trees and ~40,000 shrubs	\$10 million	After toll rates are set, a	CBD Tolling Program	TBTA with Relevant State and Local Agencies
Renovate Parks and Greenspace in Environmental Justice Communities	Increases overall community well- being. 2-5 park/ greenspace renovations depending on size and complexity.	\$25 million	process that includes both additional analyses and community input will take place to determine	CBD Tolling Program	TBTA with Relevant State and Local Agencies
Install Air Filtration Units in Schools Near Highways	Removes air pollutants from classrooms. 25-40 schools depending on school size and complexity of existing HVAC system.	\$10 million	specific locations	CBD Tolling Program	TBTA with Relevant State and Local Agencies
Establish Asthma Case Management Program and Bronx Center	Reduces hospitalizations and doctor visits, decreases days and nights with symptoms and missed school days – program expansion up to 25 schools	\$20 million		CBD Tolling Program	NYC DOHMH

<sup>1</sup> An additional \$5 million has been allocated for mitigation and enhancement measures related to monitoring across other topics, along with \$47.5 million for the low-income toll discount discousted above. Enhancement measures include air quality monitoring that will expand NYC's existing monitoring network. Locations will be selected in consideration of the traffic and air quality analyses in the EA and in coordination with environmental justice stakeholders and relevant state and local agencies. This will complement the regional and place-based mitigation measures related to traffic diversions outlined in Table ES-5 (see Final EA Chapter 10, "Air Quality," for details).

<sup>2</sup> After three years, any remaining funds designated for TRU replacements may also be used for clean truck replacement vouchers through the NYC Clean Trucks Program.

## CBD TOLLING PROGRAM

Table 3 Summary of the CBD Tolling Alternative Implementation Approach for Mitigation and Enhancement Measures

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
4B – Transportation: Highways and Local Intersections – Traffic–Highway Segments	Three highway segments:  Westbound Long Island Expressway (I-495) near the Queens-Midtown Tunnel (midday)  Approaches to westbound George Washington Bridge on I-95 (midday)  Southbound and northbound FDR Drive between East 10th Street and Brooklyn Bridge (PM)	The Project Sponsors will implement a monitoring plan prior to implementation with post-implementation data collected approximately three months after the start of tolling operations and including thresholds for effects; if the thresholds are reached or crossed, the Project Sponsors will implement Transportation Demand Management (TDM) measures, such as ramp metering, motorist information, signage at all identified highway locations with adverse effects upon implementation of the Project. NYSDOT owns and maintains the relevant segments of the Long Island Expressway and I-95. The relevant segment of the FDR is owned by NYSDOT south of Montgomery Street and NYCDOT north of Montgomery Street. Implementation of TDM measures will be coordinated between the highway owners and the owners of any assets relevant to implementing the TDM.  Post-implementation of TDM measures, the Project Sponsors will monitor effects and, if needed, TBTA will modify the toll rates, crossing credits, exemptions, and/or discounts within the parameters of the adopted toll schedule to reduce adverse effects.	Exact timing for data collection will be based on seasonality and other factors such as construction activity in accordance with NYCDOT's traffic count best practices. Modeling to quantify delay will be completed within 60 days of data collection.  Baseline data will be collected within the six months prior to Project implementation.  Post-implementation data will be collected approximately three months after the start of tolling operations.  If TDM measures are implemented, additional data will be collected within six months after their implementation to determine whether they have addressed the adverse effect.	An increase in average weekday peak period delay of 2.5 minutes or more.  The methods of data collection and evaluation will follow standard practices pursuant to guidelines of NYSDOT Highway Design Manual 5.2 and NYSDOT Data Services procedures.	The monitoring plan will be agreed to by the relevant lead and partnering agencies prior to a decision document being issued.  TDM measures will be implemented over a period of two to eighteen months after confirming delays in excess of the threshold for next steps. More readily implementable measures (e.g., variable message signs) will be completed first. NYSDOT currently has two TDM projects progressing on the relevant segments of the LIE and the Cross Bronx (I-95) and TDM measures could be coordinated with these projects, as needed.  Modifications to toll rates, crossing credits, exemptions, and/or discounts will be made after confirming delays in excess of the threshold for next steps persist following implementation of TDM measures, to allow for analysis of what the modifications should be and public outreach about any changes.	NYSDOT will lead in partnership with TBTA and NYCDOT.
4B – Transportation: Highways and Local Intersections – Intersections	Four local intersections in Manhattan:  Trinity Place and Edgar Street (midday)  East 36th Street and Second Avenue (midday)  East 37th Street and Third Avenue (midday)  East 125th Street and Second Avenue (AM, PM)	NYCDOT will monitor those intersections where potential adverse effects were identified and implement appropriate signal timing adjustments to mitigate the effect, per NYCDOT's normal practice.	Exact timing for data collection will be based on seasonality and other factors such as construction activity in accordance with NYCDOT's traffic count best practices. Modeling to quantify delay will be completed within 60 days of data collection. Baseline data will be collected within the six months prior to Project implementation.  Post-implementation data will be collected within the six months after Project implementation.	For intersections at LOS E or F pre-implementation, an increase in average intersection delay of greater than five seconds.  For intersections at LOS D or better pre-implementation, an increase of intersection delay of greater than five seconds at LOS to E or F.	Signal timing adjustments will be made within 90 days of confirming delays in excess of the threshold for next steps.	NYCDOT will lead in partnership with TBTA.

## **CBD TOLLING PROGRAM**

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
ТОРІС	Hoboken Terminal–PATH station (NJ) Stair 01/02	TBTA will coordinate with NJ TRANSIT and PANYNJ to monitor pedestrian volumes on Stair 01/02 one month prior to commencing tolling operations to establish a baseline, and two months after Project operations begin. If a comparison of Stair 01/02 passenger volumes before and after Project implementation shows an incremental change that is greater than or equal to 205, then TBTA will coordinate with NJ TRANSIT and PANYNJ to implement improved signage and wayfinding to divert some people from Stair 01/02, and supplemental personnel if needed.	For stair passenger volumes, baseline data will be collected one month prior to commencing tolling operations to establish a baseline, and two months after Project operations begin.  Station ridership data is collected and evaluated in an ongoing manner by NJ TRANSIT and PANYNJ.	For signage, if a comparison of Stair 01/02 peak-hour passenger volumes before and after Project implementation shows an incremental change that is greater than or equal to 205.  For supplemental personnel, if the threshold for signage has been reached but signage has not yet been installed, and overall ridership at Hoboken Terminal is 90 percent of 2019 levels 30 days prior to commencing tolling operations.	The monitoring plan will be agreed to by TBTA, PANYNJ, and NJ TRANSIT prior to a decision document being issued and MOU will be drafted thereafter.  The MOU will be executed within 120 days after toll rates are set.  Signage design will commence after the MOU is executed.  Signage fabrication and installation will begin immediately after observing passenger volumes in excess of the threshold for next steps.  Supplemental personnel, if needed, will be stationed within 45 days after observing passenger volumes in excess of the threshold for next steps.  Supplemental personnel will be used until signage is fabricated and installed.	TBTA will lead and coordinate with NJ TRANSIT and PANYNJ.
4C – Transportation: Transit - Transit Elements	42 St-Times Square subway station (Manhattan) Stair ML6/ML8 connecting mezzanine to uptown 1/2/3 lines subway platform	TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, TBTA will coordinate with MTA NYCT to remove the center handrail and standardize the riser, so that the stair meets code without the hand rail. The threshold will be set to allow for sufficient time to implement the mitigation so that the adverse effect does not occur.	Exact timing will be based on seasonality and other factors such as service changes and construction activity in the station.  For stair passenger volumes, baseline data will be collected within the six months prior to Project implementation. Postimplementation data will be collected within the first year after Project implementation.  Station ridership data is collected and evaluated in an ongoing manner by MTA NYCT based on turnstile entry and exit data throughout the system.	If a comparison of Stair ML6/ML8 peak hour weekday passenger volumes before and after Project implementation shows an incremental change that is greater than or equal to 92 passengers in the weekday peak hour, and overall ridership at 42 St-Times Square subway station is 90 percent of 2019 levels.  The methods of data collection and evaluation will follow standard practices pursuant to guidelines of the CEQR Technical Manual and will be coordinated with NYCT.	Design and resource allocation will begin immediately after the passenger volume threshold is exceeded, and the hand rail will be removed prior to overall ridership at the station exceeding 90 percent of 2019 levels.	TBTA will lead in partnership MTA NYCT.
	Flushing-Main St subway station (Queens)–Escalator E456 connecting street to mezzanine level	TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, MTA NYCT will increase the speed from 100 feet per minute (fpm) to 120 fpm.	Exact timing will be based on seasonality and other factors such as service changes and construction activity in the station.  For escalator passenger volumes, baseline data will be collected within the six months prior to Project implementation. Postimplementation data will be collected within the first year after Project implementation.	If a comparison of Escalator E456 peak hour weekday passenger volumes before and after Project implementation shows an incremental change that is greater than or equal to 26 passengers in the weekday peak hour, and overall ridership at Flushing-Main St subway station is 90 percent of 2019 levels.  The methods of data collection and evaluation will follow standard practices pursuant to guidelines of the CEQR Technical Manual and will be coordinated with NYCT.	Prior to overall ridership at the station exceeding 90 percent of 2019 levels.	TBTA will lead in partnership MTA NYCT.

## **CBD TOLLING PROGRAM**

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
4C – Transportation:	Union Sq subway station (Manhattan)–Escalator E219 connecting the L subway line platform to the Nos. 4/5/6 line mezzanine	TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, MTA NYCT will increase the escalator speed from 100 fpm to 120 fpm.	Exact timing will be based on seasonality and other factors such as service changes and construction activity in the station.  For escalator passenger volumes, baseline data will be collected within the six months prior to Project implementation. Post-implementation data will be collected within the first year after Project implementation.  Station ridership data is collected and evaluated in an ongoing manner by MTA NYCT based on turnstile entry and exit data throughout the system.	If a comparison of Escalator E219 peak hour weekday passenger volumes before and after Project implementation shows an incremental change that is greater than or equal to 21 passengers in the weekday peak hour, and overall ridership at Union Sq subway station is 90 percent of 2019 levels.  The methods of data collection and evaluation will follow standard practices pursuant to guidelines of the CEQR Technical Manual and will be coordinated with NYCT.	Prior to overall ridership at the station exceeding 90 percent of 2019 levels.	TBTA will lead in partnership MTA NYCT
Transit - Transit Elements (Cont'd)	Court Sq subway station (Queens)–Stair P2/P4 to Manhattan-bound No. 7 line	TBTA will coordinate with MTA NYCT to implement a monitoring plan for this location. The plan will identify a baseline, specific timing, and a threshold for additional action. If that threshold is reached, TBTA will coordinate with MTA NYCT to construct a new stair from the northern end of the No. 7 platform to the street. The threshold will be set to allow for sufficient time to implement the mitigation so that the adverse effect does not occur.	Exact timing will be based on seasonality and other factors such as service changes and construction activity in the station.  For stair passenger volumes, baseline data will be collected within the six months prior to Project implementation. Post-implementation data will be collected within the first year after Project implementation.  Station ridership data is collected and evaluated in an ongoing manner by MTA NYCT based on turnstile entry and exit data throughout the system.	If a comparison of Stair P2/P4 peak hour weekday passenger volumes before and after Project implementation shows an incremental change that is greater than or equal to 101 passengers in the weekday peak hour, and overall ridership at Court Sq subway station is 90 percent of 2019 levels, and if construction by an outside developer is not likely in the foreseeable future.  The methods of data collection and evaluation will follow standard practices pursuant to guidelines of the CEQR Technical Manual and will be coordinated with NYCT.	Design and resource allocation will begin immediately after the passenger volume threshold is exceeded and will be implemented prior to overall ridership at the station exceeding 90 percent of 2019 levels (if construction by an outside developer is not likely in the foreseeable future).	TBTA will lead in partnership MTA NYCT
4E - Transportation: Pedestrians and Bicycles - Pedestrian Circulation	Herald Square/Penn Station NY	NYCDOT will implement a monitoring plan at this location. The plan will include a baseline, specific timing, and a threshold for additional action. If that threshold is reached, NYCDOT will increase pedestrian space on sidewalks and crosswalks via physical widening and/or removing or relocating obstructions.	Exact timing will be based on seasonality and other factors such as construction activity.  Baseline data will be collected within the six months prior to Project implementation.  Post-implementation data will be collected within the first year after Project implementation.	An additional 221 pedestrians per hour (pph) during the weekday AM peak hour or 204 pph during the PM peak hour along the west sidewalk of Eighth Avenue between West 34th and West 35th Streets, 265 pph during the AM peak hour or 259 pph during the PM peak hour on the north crosswalk at Sixth Avenue and West 34th Street, and/or 221 pph during the AM peak hour on the north crosswalk at Seventh Avenue and West 32nd Street.  The methods of data collection and evaluation will follow standard practices pursuant to guidelines of the CEQR Technical Manual and will be coordinated with NYCDOT.	Within 90 days of observing pedestrian counts in excess of the threshold for next steps.	NYCDOT will lead.
6 – Economic Conditions - Economic Effects of	Manhattan CBD	New in Final EA: The Project Sponsors commit to establishing a Small Business Working Group (SBWG) that will meet six months prior and six months after Project implementation, and annually thereafter, to solicit ongoing input on whether and how businesses are being affected.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Membership will be confirmed six months prior to Project implementation, with the first meeting taking place prior to implementation, the second meeting within the six months after implementation, and meetings annually thereafter.	TBTA will lead, in partnership with NYSDOT and NYCDOT.
Toll Costs	Multiple throughout the study area	New in Final EA: TBTA will ensure the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final structure; this will also benefit some workers and businesses.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Concurrent with Project Implementation.	TBTA will lead.

## **CBD TOLLING PROGRAM**

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
7 – Parks and Recreational Resources	Manhattan CBD	Refer to Final EA Chapter 7, "Parks and Recreational Resources," for a listing of measures to avoid adverse effects to parks.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Will occur during design, development, testing and/or construction as per contract.	TBTA will ensure contractors comply with contract requirements.
8 – Historic and Cultural Resources	45 historic properties within the Project's Area of Potential Effects (APE)	Refer to Final EA Chapter 8, "Historic and Cultural Resources," for a listing of measures to avoid adverse effects to historic properties.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Will occur during design, development, testing and/or construction as per contract.	TBTA will ensure contractors comply with contract requirements.
10 – Air Quality	New York City	TBTA will coordinate with NYC DOHMH to expand the City's existing network of sensors to monitor priority locations, and supplement a smaller number of real-time PM2.5 monitors to provide insight into time-of-day patterns to determine whether the changes in air pollution can be attributed to changes in traffic occurring after implementation of the Project. The Project Sponsors will select the additional monitoring locations in consideration of air quality analysis in the EA and input from environmental justice stakeholders. NYSDEC and other agencies conducting monitoring will also be consulted prior to finalizing the monitoring approach. The Project Sponsors will monitor air quality prior to implementation (setting a baseline), and two years following implementation. Following the initial two-year post-implementation analysis period, and separate from ongoing air quality monitoring and reporting, the Project Sponsors will assess the magnitude and variability of changes in air quality to determine whether more monitoring sites are necessary. Data collected throughout the monitoring program will be made available publicly as data becomes available and analysis is completed. Data from the real-time monitors will be available online continuously from the start of pre-implementation monitoring.	In the year prior to Project implementation (setting a baseline), and two years following Project implementation.  Locations and durations will be determined in consideration of land uses and non-Project sources of emissions and with input from environmental justice stakeholders.	N/A – No threshold required; implemented under any adopted tolling structure.	Allocation of resources and approval of work plan is underway. Baseline data will be collected in the year prior to Project implementation, but the exact start and duration will be dependent on timing for Project implementation. The monitoring locations will be confirmed at least four months prior to data collection. No less than six months of data will be collected prior to Project implementation.	TBTA will lead in partnership with NYC DOHMH and NYSDEC.

## CBD TOLLING PROGRAM

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
10 – Air Quality (Cont'd)	Upper Manhattan and the Bronx	MTA is currently transitioning its fleet to zero-emission buses, which will reduce air pollutants and improve air quality near bus depots and along bus routes. MTA is committed to prioritizing traditionally underserved communities and those impacted by poor air quality and climate change and has developed an approach that actively incorporates these priorities in the deployment phasing process of the transition. Based on feedback received during the outreach conducted for the Project and concerns raised by members of environmental justice communities, TBTA coordinated with MTA NYCT, which is committed to prioritizing the Kingsbridge Depot and Gun Hill Depot, both located in and serving primarily environmental justice communities in Upper Manhattan and the Bronx, when electric buses are received in MTA's next major procurement of battery electric buses, which began in late 2022. This independent effort by MTA NYCT is anticipated to provide air quality benefits to the environmental justice communities in the Bronx.	Data on the number and location of MTA's battery electric buses is collected in an ongoing manner.	N/A – No threshold required; implemented under any adopted tolling structure.	Prioritization is complete. Timeline for receipt of buses is the first quarter of 2025.	TBTA will lead in partnership MTA NYCT.
13 – Natural Resources	Sites of tolling infrastructure and tolling system equipment	Refer to Final EA Chapter 13, "Natural Resources," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Will occur during design, development, testing and/or construction as per contract.	TBTA will ensure contractors comply with contract requirements.
14 – Hazardous Waste	Sites of tolling infrastructure and tolling system equipment	Refer to Final EA Chapter 14, "Asbestos-Containing Materials, Lead-Based Paint, Hazardous Wastes, and Contaminated Materials," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Will occur during design, development, testing and/or construction as per contract.	TBTA will ensure contractors comply with contract requirements.
15 – Construction Effects	Sites of tolling infrastructure and tolling system equipment	Refer to Final EA Chapter 15, "Construction Effects," for a listing of construction commitments to avoid, minimize, or mitigate potential negative effects.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Will occur during design, development, testing and/or construction as per contract.	TBTA will ensure contractors comply with contract requirements.
		The Project will include a tax credit for CBD tolls paid by residents of the Manhattan CBD whose New York adjusted gross income for the taxable year is less than \$60,000. TBTA will coordinate with the New York State Department of Taxation and Finance (NYS DTF) to ensure availability of documentation needed for drivers eligible for the NYS tax credit.	N/A – No early monitoring required; implemented under any adopted tolling structure. Data on the utilization of tax credits for CBD tolls paid will be collected by NYS DTF.	N/A – No threshold required; implemented under any adopted tolling structure.	Coordination with NYS DTF will begin immediately after Project approval, if approved.	TBTA will lead and coordinate with the NYS DTF.
17 – Environmental Justice - Low-income drivers	28-county study area	TBTA will post information related to the tax credit on the Project website, with a link to the appropriate location on the NYS DTF website to guide eligible drivers to information on claiming the credit.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Information will be made available to the public about the tax credit during the public information campaigns at least 60 days prior to Project implementation. Information will be provided through a combination of methods which may include print publications, radio, billboards, websites, social media, and existing MTA assets such as digital subway station signs and bus advertising. Information will be provided in multiple languages and targeted geographically.	TBTA will lead and coordinate with the NYS DTF.

## **CBD TOLLING PROGRAM**

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
		TBTA will eliminate the \$10 refundable deposit currently required for E-ZPass customers who do not have a credit card linked to their account, and which is sometimes a barrier to access.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	60 days prior to Project implementation.	TBTA will lead.
		TBTA will provide enhanced promotion of existing E-ZPass payment and plan options, including the ability for drivers to pay per trip (rather than a pre-loaded balance), refill their accounts with cash at participating retail locations, and discount plans already in place, about which they may not be aware.	N/A – No early monitoring required; implemented under any adopted tolling structure. Information on the scope and reach of promotion efforts will be documented, and data on E-ZPass account type and volume is collected in an ongoing manner.	N/A – No threshold required; implemented under any adopted tolling structure.	Promotion will be part of the public information campaigns at least 60 days prior to Project implementation.	TBTA will lead.
		TBTA will coordinate with MTA to provide outreach and education on eligibility for existing discounted transit fare products and programs, including those for individuals 65 years of age and older, those with disabilities, and those with low incomes, about which many may not be aware.	N/A – No early monitoring required; implemented under any adopted tolling structure. Information on the scope and reach of outreach efforts will be documented.	N/A – No threshold required; implemented under any adopted tolling structure.	Outreach will be part of the public information campaigns at least 60 days prior to Project implementation.	TBTA will lead in partnership with MTA.
17 – Environmental Justice - Low-income drivers (Cont'd)	28-county study area (Cont'd)	The Project Sponsors commit to establishing an Environmental Justice Community Group that will meet on a quarterly basis, with the first meeting taking place prior to Project implementation. As it relates to environmental justice, the Project Sponsors will continue providing meaningful opportunities for participation and engagement by sharing updated data and analysis, listening to concerns and seeking feedback on the toll setting process.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Membership will be confirmed six months prior to Project implementation, with the first meeting taking place prior to implementation, the second meeting within the six months after implementation, and meetings quarterly thereafter.	TBTA will lead, in partnership with NYSDOT and NYCDOT.
		New in Final EA: TBTA will ensure the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final CBD toll structure; this will benefit low-income drivers who travel during that time.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Concurrent with Project implementation.	TBTA will lead.
		New in Final EA: For five years, TBTA commits to a Low- Income Discount Plan for frequent low-income drivers who will benefit from a 25 percent discount on the full CBD E-ZPass toll rate for the applicable time of day after the first 10 trips in each calendar month (not including the overnight period, which will already be deeply discounted).	N/A – No early monitoring required; implemented under any adopted tolling structure; application process will begin several months in advance of the commencement of tolling operations.	N/A – No threshold required; implemented under any adopted tolling structure.	Project implementation, with the first meeting taking place prior to implementation, the second meeting within the six months after implementation, and meetings quarterly thereafter.  Concurrent with Project implementation.  Concurrent with Project implementation.	TBTA will lead.
	New York City	TBTA will coordinate with MTA NYCT to improve bus service in areas identified in the EA as the Brooklyn and Manhattan Bus Network Redesigns move forward.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Coordination between TBTA and NYCT is ongoing and will increase after toll rates are set. The Brooklyn Bus Network Redesign Draft Plan was published in December 2022 and will be refined in 2023. The next step in the Manhattan Bus Network Redesign is an Existing Conditions Report.	TBTA will coordinate with NYCT.
17 – Environmental Justice - Taxi and FHV drivers	New York City	New in Final EA: TBTA will ensure that a toll structure with tolls of no more than once per day for taxis or FHVs is included in the final CBD toll structure.	N/A – No threshold required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Concurrent with Project implementation.	TBTA will lead.

## **CBD TOLLING PROGRAM**

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
	Multiple throughout the environmental justice study area	New in Final EA: TBTA will ensure the overnight toll for trucks and other vehicles is reduced to at or below 50 percent of the peak toll from at least 12:00 a.m. to 4:00 a.m. in the final structure; this will reduce truck diversions.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Concurrent with Project implementation.	TBTA will lead.
		New in Final EA: NYCDOT will expand NYC Clean Trucks Program to accelerate the replacement of eligible old diesel trucks, which travel on highways in certain environmental justice communities where the Project is projected to increase truck traffic, to lower-emission electric, hybrid, compressed natural gas, and clean diesel vehicles.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Engagement with truck-owning companies will start after toll rates are set, implementation will begin within six months of start of tolling operations.	NYCDOT will lead.
		New in Final EA: NYCDOT will expand its off-hours deliveries program in locations where the Project is projected to increase truck traffic to reduce daytime truck traffic and increase roadway safety in certain environmental justice communities.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Engagement with shippers and receivers will start after the toll rates are set; implementation will begin within six months of start of tolling operations.	NYCDOT will lead.
17 – Environmental Justice – Traffic diversion to	FDR Drive between the Brooklyn Bridge and East Houston Street	New in Final EA: TBTA will toll vehicles traveling northbound on the FDR Drive that exit at East Houston Street and then turn to immediately travel south on FDR Drive; this will mitigate modeled non-truck traffic increases on the FDR Drive between the Brooklyn Bridge and East Houston Street.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Concurrent with Project implementation.	TBTA will lead.
certain communities already overburdened by	Hunts Point Produce Market	New in Final EA: The Project Sponsors will coordinate to replace diesel-burning TRUs with cleaner vehicles at the Hunts Point Produce Market.	N/A – No early monitoring required; implemented under any adopted tolling structure.	N/A – No threshold required; implemented under any adopted tolling structure.	Engagement with TRU owners and lessees for TRU replacement will start immediately after receiving Project approval.	NYCDOT will lead.
pre-existing air pollution and chronic diseases	The specific census tracts that	New in Final EA: NYSDOT will coordinate to expand electric truck charging infrastructure.			Specific locations will be determined after toll rates are set; implementation will begin within six months of start of tolling operations.	NYSDOT will lead.
(See Note 1)	would experience increased or decreased truck traffic change slightly depending on the tolling scenario. The following	New in Final EA: The Project Sponsors will coordinate to install roadside vegetation to improve near-road air quality.	After toll rates are set, analyses of the adopted toll structure will be undertaken as outlined in <b>Appendix 17D</b> to determine where truck diversions are expected to occur. With this analysis and through continued engagement with the Environmental Justice Community Group and other stakeholders, specific locations for place-based mitigation will be determined.  Data on the scope and impact of mitigation measures implemented will be collected in		Specific locations will be determined with the affected communities after toll rates are set; implementation will begin within six months of start of tolling operations.	The Project Sponsors will coordinate with relevant state and local agencies.
	communities could have census tracts that merit place-based mitigation: High Bridge, Morrisania and Crotona, Tremont, Hunts	New in Final EA: The Project Sponsors will renovate parks and greenspaces.		N/A – No threshold required; implemented under any adopted tolling structure.	Specific locations will be determined with the affected communities after toll rates are set; implementation timing will be determined after locations are confirmed.	The Project Sponsors will coordinate with relevant local agencies.
	Point, Mott Haven, Pelham, Throgs Neck, Northeast Bronx, East Harlem, Randall's Island, Downtown Brooklyn, Fort Greene, South Williamsburg, Orange, East	New in Final EA: The Project Sponsors will install or upgrade air filtration units in schools.			After the toll rates are set, a site/needs assessment will take place prior to start of tolling operations; implementation timing will be determined after locations are confirmed.	The Project Sponsors will coordinate with relevant local agencies.
	Orange, Newark, and Fort Lee. (See Note 2).	New in Final EA: The Project Sponsors will work with NYC DOHMH to expand their asthma case management program and create new community-based asthma programming through a neighborhood asthma center in the Bronx.	an ongoing manner.		After the toll rates are set, a site/needs assessment will take place prior to start of tolling operations; implementation timing will be determined after locations are confirmed.	The Project Sponsors will coordinate with NYC DOHMH.

#### CBD TOLLING PROGRAM

EA CHAPTER – TOPIC	RELEVANT LOCATION(S)	DESCRIPTION OF MITIGATION OR ENHANCEMENT	TIMELINE FOR PRE- AND POST-PROJECT IMPLEMENTATION DATA COLLECTION FOR SPECIFIC MEASURES	THRESHOLD FOR DETERMINING WHEN NEXT STEP(S) WILL BE IMPLEMENTED	TIMING FOR SPECIFIC MEASURES	LEAD AGENCY
Overall Project Enhancement	Manhattan CBD and locations of potential Project effects	The Project Sponsors commit to ongoing monitoring and reporting of potential effects of the Project, including for example, traffic entering the CBD, vehicle-miles traveled in the CBD; transit ridership from providers across the region; bus speeds within the CBD; air quality and emissions trends; parking; and Project revenue. Data will be collected in advance and after implementation of the Project. A formal report on the effects of the Project will be issued one year after implementation and then every two years. In addition, a reporting website will make data, analysis, and visualizations available in open data format to the greatest extent practicable. Updates will be provided on at least a bi-annual basis as data becomes available and analysis is completed. This data will also be used to support an adaptive management approach to monitoring the efficacy of mitigation, and adjustments as warranted.	Baseline data gathering began in 2019 and will continue through Project implementation as data from external sources becomes available (with some data sets published only annually or quarterly) and data analysis is completed.  After Project implementation, these data sets will continue to be collected as they become available and new data sets, such as Project revenue, will start being collected.	N/A – No threshold required; implemented under any adopted tolling structure.	The reporting website will begin reporting baseline data and post-implementation data from the tolling system as soon as practicable. after Project implementation.  A formal report on the effects of the Project will be issued one year after implementation and then every two years. In addition, the reporting website will make data, analysis, and visualizations available in open data format to the greatest extent practicable. Updates will be provided on at least a biannual basis as data becomes available and analysis is completed. This data will also be used to support an adaptive management approach to monitoring the efficacy of mitigation, and adjustments as warranted.	TBTA will lead in partnership with NYCDOT, NYSDOT, with coordination with other agencies and entities for data as appropriate.

#### Nieter

<sup>1</sup> To fund the mitigation measures for this topic the Project Sponsors have committed \$155 million over five years. The Project Sponsors commit to these measures, regardless of the tolling structure eventually adopted. The allocation of funding is described in greater detail in Final EA **Chapter 17**, "**Environmental Justice.**" An additional \$5 million has been allocated for mitigation and enhancement measures related to monitoring across other topics, along with \$47.5 million for the low-income toll discount.

The Project Sponsors have committed to a toll policy that will reduce the overnight toll rate from at least 12:00 a.m. to 4:00 a.m. to 4:00 a.m. Based on the modeling undertaken for the tolling scenarios analyzed in the EA, it is expected that this policy will avoid a substantial portion of projected truck diversions, as many of these diverted trucks were projected to occur during the overnight hours. Following the adoption of the CBD tolling structure by the TBTA Board, which will include this overnight exemption/discount, modeling of the adopted tolling structure will be undertaken to determine where truck diversions are expected to occur. Following this analysis, specific siting of place-based mitigation measures will require further coordination between the Project Sponsors, the Environmental Justice Community Group (representing the 10-county environmental justice study area), the relevant communities receiving the place-based mitigation, and relevant local and state implementing agencies.

## 3. WHAT HAS BEEN DONE SINCE THE FINAL ENVIRONMENTAL ASSESSMENT (EA)?

This Draft FONSI is presented with the Final EA to the public for a 30-day public review. Any activities that occur during this 30-day public review period will be reported here if FHWA determines that an Environmental Impact Statement is not warranted.

#### 4. What Changes Have Been Made to the Final EA?

This Draft FONSI is presented with the Final EA to the public for a 30-day public review. Any changes needed in response to the public review of the Final EA will be described here if FHWA determines that an Environmental Impact Statement is not warranted.

#### 5. What Feedback Was Received on the Final EA?

This is a place holder. Depending on the number and nature of the feedback received during the 30-day review period of the Final EA, FHWA may summarize comments or include individual comments. The focus will be on feedback that provides new information to the process if FHWA determines that an Environmental Impact Statement is not warranted.

#### 6. What Are the Next Steps?

To help define the CBD Tolling Program, the Traffic Mobility Act requires the TBTA Board to establish a Traffic Mobility Review Board with six members representing the region who have experience in public finance, transportation, mass transit, or management. The Traffic Mobility Review Board would recommend to the TBTA Board the toll amounts and toll structure, such as crossing credits, discounts, and/or exemptions for existing tolls paid on bridges and tunnels. The variable pricing structure could vary by time of day, day of week, and day of year and could be different for different types of vehicles. Informed by the Traffic Mobility Review Board 's recommendation, the TBTA Board would approve and adopt a final toll structure following a public hearing in accordance with the New York State Administrative Procedure Act. The adopted TBTA plan would specify any crossing credits, discounts, and/or exemptions for tolls paid on bridges and tunnels; credits, discounts, and/or exemptions for taxis and/or FHVs, which are already subject to surcharges pursuant to the Public Authorities Law; and any other additional potential crossing credits, discounts, and/or exemptions.

The Traffic Mobility Review Board's recommendation would be informed by the results of the Final EA, which includes a Traffic Study, and would consider such factors as traffic patterns, operating costs, public impact, and environmental impacts, including, but not limited to, air quality and emissions trends. The analysis in the Final EA is intended to identify the effects that may result from implementing the CBD Tolling Alternative, including any potential crossing credits, discounts, and/or exemptions. Therefore, the

In April 2018 the State of New York imposed a congestion surcharge on taxis and FHV trips that begin in, end in, or pass through Manhattan south of 96th Street. The Traffic Mobility Act requires the Traffic Mobility Review Board to examine potential CBD toll crossing credits, discounts, or exemptions for taxis and FHVs. The travel demand modeling conducted for this EA assumes that the taxi and FHV surcharge established by 2018 legislation will remain in effect with the CBD Tolling Alternative.

<sup>6</sup> Consolidated Laws of the State of New York, Public Authorities Law, Article 5, Title 11 Section 1270-i.

#### **CBD TOLLING PROGRAM**

Final EA considered a range of tolling scenarios with different attributes to identify the range of effects that may occur.

The TBTA chosen toll rates and structure would have to be re-evaluated to determine if the decision made in the FONSI is still valid. This requires that the TBTA demonstrate to FHWA that the effects of the final tolling rates and structure are consistent with the effects disclosed in the Final EA and that the mitigation is still valid.

After issuing a FONSI, the Project Sponsors and FHWA will enter into a tolling agreement allowing the project sponsors to enter into the FHWA Value Pricing Pilot Program (VPPP).

Upon acceptance into the FHWA VPPP, the CBD Tolling Alternative could be implemented using tolling infrastructure and tolling system equipment to detect vehicles. This would include poles and mast arms; tolling system equipment housed in enclosures; and signage similar in size and character to signs already present throughout Manhattan. Tolling system equipment would include reader and meter cabinets and cameras.

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 101 of 275 PageID: 5783

**DRAFT FINDING OF NO SIGNIFICANT IMPACT** 

**CBD TOLLING PROGRAM** 

APPENDIX A. CENTRAL BUSINESS DISTRICT (CBD) TOLLING PROGRAM FINAL ENVIRONMENTAL ASSESSMENT (PLACE HOLDER)

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 102 of 275 PageID: 5784

**DRAFT FINDING OF NO SIGNIFICANT IMPACT** 

**CBD TOLLING PROGRAM** 

APPENDIX B. PUBLIC FEEDBACK ON THE FINAL ENVIRONMENTAL ASSESSMENT (PLACE HOLDER)

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 103 of 275 PageID: 5785

DRAFT FINDING OF NO SIGNIFICANT IMPACT

**CBD TOLLING PROGRAM** 

APPENDIX C. PUBLIC NOTICING OF THE AVAILABILITY OF THE FINAL ENVIRONMENTAL ASSESSMENT AND DRAFT FINDING OF NO SIGNIFICANT IMPACT (PLACE HOLDER)

U.S. Department of Transportation

Federal Highway Administration

**New York Division** 

May 8, 2023

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HEA-NY

New York State Office of Parks Recreation and Historic Preservation State Historic Preservation Office Eric Kulleseid Commissioner 625 Broadway Albany, NY 12207

#### SENT BY E-MAIL

Dear Commissioner Kulleseid

Transportation Authority (MTA)), the New York State Department of Transportation (NYSDOT), and the New York City Department of Transportation (NYCDOT) (collectively the Project Sponsors) are undertaking a Project to implement a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York. The Project Sponsors are seeking approval from the Federal Highway Administration (FHWA), the Federal lead agency, under the Value Pricing Pilot Program (VPPP) to initiate this variable tolling program. Approval is sought because certain streets within the Manhattan CBD are part of the National Highway System and, in some instances, have been improved with Federal funding through FHWA. On March 30, 2021, FHWA advised the Project Sponsors that they may prepare an Environmental Assessment (EA) to meet the requirements of the National Environmental Policy Act (NEPA).

In August 2022, the Project Sponsors completed an EA and made it available for public review and comment. A Final EA and FHWA's draft Finding of No Significant Impact (FONSI) are now being made available for a 30-day public availability period from May 12, 2023 – June 12, 2023.

The Final EA was prepared to evaluate the potential environmental impacts of, and identify any mitigation measures for, the Project, in consideration of public and agency input. The Final EA also responds to comments received from the public and agencies on the EA that was published in August 2022. We invite your agency to participate in a meeting with other agencies, to brief you on the contents of the Final EA and draft FONSI, and provide updates on the Project schedule. This meeting will be held on:

Tuesday, May 9, 2023 10:00 – 10:45 a.m. Please accept or decline our invitation to attend the agency meeting by emailing Anna Price at anna.price@dot.gov, indicating who will be representing your agency at the meeting. This will be a virtual meeting.

We appreciate your agency's participation to-date in this important transportation project. For more information, please visit the Project website at <a href="https://www.mta.info/CBDTP">www.mta.info/CBDTP</a>

If you have any questions pertaining to this request, please contact Anna Price at 518-431-8858 or anna.price@dot.gov. We look forward to your participation.

Sincerely,

RICHARD
JOSEPH
MARQUIS

MARQUIS
Digitally signed by RICHARD JOSEPH
MARQUIS
Date: 2023.05.08
11:09:21-04'00'

Richard J. Marquis Division Administrator

Federal Highway Administration - New York Division

cc: Allison L. C. de Cerreño, Triborough Bridge and Tunnel Authority Nicolas A. Choubah, New York State Department of Transportation William Carry, New York City Department of Transportation

## Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 106 of 275 PageID: 5788

From: "Marquis, Rick (FHWA)" < Rick. Marquis@dot.gov>

To: "Sun, Richard [GOV]" < Richard.Sun@nj.gov>, "CBDTP@mtabt.org" < CBDTP@mtabt.org>

Cc: "Zeveloff, Dennis [GOV]" < Dennis.Zeveloff@nj.gov>, "Gutierrez-Scaccetti, Diane [DOT]"

<Diane.Scaccetti@dot.nj.gov>, "Hermann, Alexandria [GOV]"

<Alexandria.Hermann@nj.gov>, "Clark, Robert (FHWA)" <Robert.Clark@dot.gov>

Subject: RE: State of NJ: EA Comment Extension Request

Date: Fri, 09 Jun 2023 19:13:37 -0000

Importance: Normal

#### Good Afternoon Richard,

The 30-day public availability period is made to advise the public of the availability of the Final Environmental Assessment (EA) and the draft Finding of No Significant Impact (FONSI) (pursuant to 40 Code of Federal Regulations (CFR) §1501.6 and §1506.6). The 30-day public availability period differs from the Comment Period. The purpose of the Comment Period is to solicit comments on the proposed action; whereas the 30-day public availability period provides the public an opportunity to review changes made as a result of the formal comment period conducted. In the case at hand, the comment period took place from August 10, 2022 through September 23, 2022. Therefore, we do not plan on extending the 30-day public availability period.

Thank you, Rick

From: Sun, Richard [GOV] < Richard. Sun@nj.gov>

Sent: Monday, June 5, 2023 2:39 PM

To: Marquis, Rick (FHWA) < Rick. Marquis@dot.gov>; CBDTP@mtabt.org

Cc: Zeveloff, Dennis [GOV] < Dennis.Zeveloff@nj.gov>; Gutierrez-Scaccetti, Diane [DOT] < Diane.Scaccetti@dot.nj.gov>;

Hermann, Alexandria [GOV] <Alexandria.Hermann@nj.gov>; Clark, Robert (FHWA) <Robert.Clark@dot.gov>

Subject: RE: State of NJ: EA Comment Extension Request

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Division Administrator Marquis,

I hope this finds you well. Thank you for your earlier email acknowledging receipt of the email and letter.

When might the State of New Jersey expect to hear back regarding our request for extension?

Thank you, Richard

From: Marquis, Rick (FHWA) < Rick. Marquis@dot.gov>

Sent: Friday, May 26, 2023 3:06 PM

To: Sun, Richard [GOV] < Richard.Sun@nj.gov >; CBDTP@mtabt.org

Cc: Zeveloff, Dennis [GOV] < Dennis.Zeveloff@nj.gov >; Gutierrez-Scaccetti, Diane [DOT] < Diane.Scaccetti@dot.nj.gov >;

Hermann, Alexandria [GOV] < Alexandria. Hermann@nj.gov >; Clark, Robert (FHWA) < Robert. Clark@dot.gov >

Subject: [EXTERNAL] RE: State of NJ: EA Comment Extension Request

Good afternoon,

## Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 107 of 275 PageID: 5789

This is to acknowledge receipt of your email and the letter from Governor Murphy.

Rick

Richard J. Marquis
Division Administrator
U.S. DOT/Federal Highway Administration, New York Division
11A Clinton Avenue, Suite 719
Albany, NY 12207

Email: rick.marquis@dot.gov

Ph: 518.431.8897 Cell: 617.413.6675

From: Sun, Richard [GOV] < Richard.Sun@nj.gov>

Sent: Friday, May 26, 2023 2:57 PM

To: Marquis, Rick (FHWA) < Rick. Marquis@dot.gov >; CBDTP@mtabt.org

Cc: Zeveloff, Dennis [GOV] < Dennis.Zeveloff@nj.gov >; Gutierrez-Scaccetti, Diane [DOT] < Diane.Scaccetti@dot.nj.gov >;

Hermann, Alexandria [GOV] < <u>Alexandria Hermann@nj.gov</u>>

Subject: State of NJ: EA Comment Extension Request

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Division Administrator Marquis,

On behalf of Governor Murphy, please find attached request for an extension of the comment deadline for the CBDTP Final EA and Draft FONSI.

Please let us know if you have any questions.

Best, Richard

From: Sun, Richard [GOV]

Sent: Friday, May 26, 2023 2:23 PM

To: 'CBDTP@dot.gov' < CBDTP@dot.gov' ; 'CBDTP@mtabt.org' < CBDTP@mtabt.org'; 'Clark, Robert (FHWA)'

<Robert.Clark@dot.gov>

Cc: Dennis Zeveloff (Dennis.Zeveloff@nj.gov) < Dennis.Zeveloff@nj.gov>; Gutierrez-Scaccetti, Diane [DOT]

<<u>Diane.Scaccetti@dot.nj.gov</u>>; Hermann, Alexandria [GOV] <<u>Alexandria.Hermann@nj.gov</u>>

Subject: State of NJ: EA Comment Extension Request

Good Afternoon,

On behalf of Governor Murphy, please find attached request for an extension of the comment deadline for the CBDTP Final EA and Draft FONSI.

Please let us know if you have any questions.

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 108 of 275 PageID: 5790

Best, Richard

#### **Richard Sun**

Senior Policy Advisor Infrastructure Investment and Jobs Act Coordinator Office of Governor Phil Murphy

e: richard.sun@nj.gov | m: +1-609-575-8534



PHILIP D. MURPHY
Governor

P.O. Box 001 Trenton, NJ 08625-0001

June 12, 2023

Shailen Bhatt, Administrator Federal Highway Administration 1200 New Jersey Avenue, SE Washington, DC 20590

Richard J. Marquis, Division Administrator Federal Highway Administration – New York Division Leo W. O'Brien Federal Building 11A Clinton Ave, Suite 719 Albany, New York 12207

Robert Clark, Division Administrator Federal Highway Administration – New Jersey Division 840 Bear Tavern Road, Suite 202 West Trenton, New Jersey 08628

RE: State of New Jersey Comments to Final Environmental Assessment and Draft Finding of No Significant Impact for the Central Business District Tolling Program

Dear Administrator Bhatt, Division Administrator Marquis, and Division Administrator Clark:

The State of New Jersey¹ opposes adoption of the Final Environmental Assessment (Final EA) and the Draft Finding of No Significant Impact (FONSI) for the Central Business District (CBD) Tolling Program (Project or CBDTP).² Half of the counties in the regional study area are located in New Jersey, and they are home to more than seven million residents. Unfortunately, the New York-based project sponsors have structured their evaluation of the Project in a manner that disregards New Jersey's interests and discounts significant environmental and other harms to New Jersey residents. Instead of rushing to endorse this fundamentally flawed product, the U.S. Department of Transportation Federal Highway Administration (FHWA) should require the completion of an Environmental Impact Statement (EIS).

To be clear, New Jersey is conceptually open to traditional congestion pricing when *traffic* reduction is the primary goal. The Project, however, as proposed by the Metropolitan Transportation Authority (MTA), has revenue generation, not traffic reduction, as its primary goal. As such, throughout this process, the numerous and substantial environmental impacts of the Project have taken

The New Jersey Department of Transportation (NJDOT), the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Department of Health (NJDOH), the New Jersey Transit Corporation (NJTRANSIT), and the New Jersey Turnpike Authority (NJTA) contributed to these comments.

<sup>&</sup>lt;sup>2</sup> Incorporated herein by reference is New Jersey's September 23, 2022, letter identifying the technical comments from the affected New Jersey transportation agencies.

a backseat to this misplaced motivation, to the detriment of New Jersey's communities, businesses, commuters, agencies, and millions of residents. Moreover, the Final EA does not even specify which of the proposed tolling scenarios will be implemented – apparently any one of the seven alternatives could be implemented, or an entirely different, heretofore undisclosed option could be implemented without appropriate environmental review. This is unprecedented, unsafe, and unreasonable.

MTA's focus on revenue generation and the Final EA's procedural irregularities have resulted in a flawed vision for New York's congestion pricing program – a vision that would serve as a poor model for congestion pricing across the United States. The CBDTP proposed in the Final EA would discriminate against New Jersey residents; impose counterproductive tolls on commuter buses; and fail to award full credit for all tolls paid to enter New York City, creating new incentives for increased vehicle miles traveled (VMT) and pollution in parts of New Jersey. This approach to congestion pricing fundamentally distorts an otherwise promising concept.

### A. The Final EA Is the Result of a Failed Process

The National Environmental Policy Act (NEPA) requires that federal agencies take a "hard look" at the full range of potential environmental consequences of projects proposed. An agency must document its analysis, afford interested agencies a *meaningful opportunity* to participate, and make information available to the public for comment before implementation of the proposed project. When a proposed action is "not likely to have significant effects or when the significance of the effects is unknown," an agency first prepares an EA. If the agency finds that "significant" environmental effects are a likely result of the proposed action, the agency must then prepare the more thorough EIS. The EIS requires the agency to consider all direct, indirect, and cumulative environmental effects of the proposed action, and conduct an alternatives analysis.

New Jersey has a strong interest in preventing and mitigating the adverse transportation, environmental and public health impacts of the Project, including air quality degradation and noise pollution which will stem from the proposed project alternatives. If the FONSI is issued based on the Final EA, without the completion of an EIS, New Jersey roads will be adversely affected, our vulnerable communities will be exposed to more congestion and air quality issues, and our State services will be further strained. New Jersey will be left with the difficult decision of considering transportation fare increases to accommodate higher costs directly resulting from the Project, which would be passed on to customers, many of whom are socioeconomically disadvantaged. Perversely, this may disincentivize use of public transportation and would, in fact, increase VMT on the New Jersey side of the river, the exact opposite of one of the Project's stated goals.

# 1. The Scoping of the Project Overlooked the Unique Characteristics of Manhattan's Central Business District

The CBDTP's Project Sponsors, the Triborough Bridge and Tunnel Authority, an affiliate of the MTA, in partnership with the New York State Department of Transportation and the New York City Department of Transportation (collectively, hereinafter referred to as MTA), have touted the success of congestion pricing programs around the world, in particular the London and Singapore programs. However, there are material differences between those programs and what is being proposed for the New York metropolitan region.

<sup>3 42</sup> U.S.C. § 4332.

<sup>4 40</sup> C.F.R. §§ 1501.4(b), 1508.9 (1978).

<sup>5 42</sup> U.S.C. § 4332(2)(C); 40 C.F.R. § 1502.3 (1978).

<sup>6 42</sup> U.S.C. § 4332(2)(C); 40 C.F.R. §§ 1508.8(b), 1508.7 (1978).

The FHWA's own analysis of international pricing programs in Singapore, London and Stockholm indicates a 10 to 30 percent or greater reduction in traffic in the priced zones. In contrast, MTA's CBDTP is only projected to reduce VMT by 5% at most, under Tolling Scenario D, and vehicles by 10% at most under Tolling Scenario E. No doubt this is because, unlike MTA's Project, the London program is true congestion pricing with a "primary rationale...to improve mobility and efficiency" rather than raising revenue generation as the primary objective.

Furthermore, MTA has not addressed or even acknowledged New Jersey's unique geographic position in the context of the United States and the national precedent the CBDTP would set for congestion pricing. Of the top 10 U.S. cities by population, two are located within 10 miles of New Jersey's borders. Specifically, New Jersey is bookended by two major metropolitan areas not within its jurisdiction – New York City and Philadelphia. Indeed, New York City and Philadelphia are the only two of the top ten U.S. cities within 10 miles of a neighboring state border. The stakes of getting this plan right could not be higher for New Jersey and the region.

# 2. FHWA and MTA Did Not Conduct Adequate Outreach to Impacted New Jersey Agencies and Local Entities

The Final EA was fundamentally flawed from the start due to the absence of meaningful dialogue between and among FHWA, MTA, New Jersey agencies and local entities concerning the regional impacts of the CBDTP. One of NEPA's long-standing goals is to "provide a springboard for public comment" in the agency decision-making process. <sup>10</sup> This is particularly true for State and local governmental entities who have specialized expertise directly related to the proposed project and who may also need to make their own project-related decisions. Thus, federal agencies "shall involve . . . State and local governments" and "relevant agencies" while "preparing environmental assessments." FHWA's NEPA regulations similarly require this. <sup>12</sup>

MTA failed to meet these basic requirements as related to New Jersey. While the Final EA suggests that planning for the CBDTP involved "meaningful opportunities for public participation and engagement in the Project" amongst federal, state and local agencies, none of the New Jersey transportation agencies had any substantive meetings or dialogue with either FHWA or MTA about their vision for the CBDTP and its potential regional impacts. Staff members of NJDOT, NJTRANSIT, and NJTA were invited to regional agency meetings that were informational only. There was no opportunity for a *dialogue* between MTA and the New Jersey transportation agencies during those meetings, as would ordinarily occur in a true meeting with stakeholders, nor was there any attempt to follow up with any of New Jersey's transportation agencies to seek any input or opinions after the meetings.

<sup>&</sup>lt;sup>7</sup> FHWA KTA: Lessons Learned from International Experience in Congestion Pricing Final Report (August 2008) p. 4-1, available at: https://ops.fhwa.dot.gov/publications/fhwahop08047/intl\_cplessons.pdf.

<sup>8</sup> Final EA Table 6-23, at 6-51; id. Table 6-30, at 6-63.

<sup>9</sup> FHWA KTA p. 4-2.

<sup>&</sup>lt;sup>10</sup> DOT v. Pub. Citizen, 541 U.S. 752, 768 (2004) (quoting Baltimore Gas & Electric Co. v. Nat. Resources Defense Council, Inc., 462 U.S. 87, 97 (1983)).

<sup>11 40</sup> C.F.R. § 1501.5(e).

<sup>&</sup>lt;sup>12</sup> 23 C.F.R. § 771.119(b) (applicants seeking EA actions "must, at the earliest appropriate time, begin consultation with interested agencies" in order "to advise them of the scope of the project" and "identify alternatives" and mitigation measures to reduce adverse environmental impacts).

<sup>13</sup> Final EA 0-1.

The Final EA lists only one New Jersey-based entity as a participating agency: the North Jersey Transportation Planning Authority (NJTPA).<sup>14</sup> NJTPA has indicated that there were no presentations made to its board outlining the impacts of the CBDTP, nor were there any board actions pertaining to same. While NJDOT and NJTRANSIT participate on the NJTPA Board, NJTA does not. Additionally, none of the New Jersey transportation agencies have staff embedded in NJTPA, and thus no agency staff, who would have had the expertise necessary to meaningfully contribute to the CBDTP development process, or express their respective agency's concerns, participated in any MTA meeting for the CBDTP. Moreover, none of the New Jersey transportation agencies ceded their respective authority to NJTPA for purposes of commenting on the proposed CBDTP. Consequently, any coordination with NJTPA regarding the CBDTP in lieu of engagement with the New Jersey transportation agencies denied those agencies any meaningful opportunity to contribute to the CBDTP development process and express their concerns, which is a violation of 40 C.F.R. § 1501.5(e). Collaborative communication amongst affected transportation agencies is a hallmark of any significant regional or cross-border transportation project and policy, yet MTA developed the Final EA without directly engaging any of the New Jersey transportation agencies. Likewise, it did not consult with FHWA's New Jersey Division Office.<sup>15</sup>

Further, with respect to the environmental and health impacts to New Jersey communities, while the MTA invited community groups to participate in an Environmental Justice Technical Advisory Group, neither NJDEP nor the NJDOH were among the groups invited to participate.<sup>16</sup>

Although MTA touts its unprecedented outreach, it fails to list any meaningful outreach to any New Jersey agency. In short, the Final EA's list of consulting agencies shows that the MTA locked itself into an echo chamber with other New York agencies.

# 3. The Project's Purpose and Need Are Too Narrowly Defined

The incomplete public outreach and consultation process resulted in the CBDTP's scope being too narrowly defined – limiting the Final EA's utility and ultimately undermining the Draft FONSI. An agency may not define the purpose of its action in terms so unreasonably narrow that only one alternative would accomplish the goals of the agency action. The Nor may an agency artificially narrow its purpose to avoid considering relevant alternatives. In such instances, the agency's purpose for action must be rejected and redefined. As the FHWA's own guidance documents explain, a project's purpose and need "serve[] as the cornerstone for the alternatives analysis" and thus the agency should take care "that the purpose and need statement is not so narrowly drafted that it unreasonably points to a single solution." The score is a single solution.

<sup>14</sup> Final EA 5C-7.

<sup>15</sup> See 18-1 to -2.

While the New Jersey Environmental Justice Alliance was invited to participate, engagement with additional and more localized groups in Orange, East Orange, Newark, Fort Lee and/or regional Bergen and Essex County groups would be more appropriate when conducting outreach on place-based mitigation. A more balanced set of perspectives may help to ensure that funds for place-based mitigation projects are being spent throughout the region and not solely in New York's communities.

<sup>&</sup>lt;sup>17</sup> Theodore Roosevelt Conservation P'ship v. Salazar, 661 F.3d 66, 73 (D.C. Cir. 2011); Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991).

<sup>18</sup> City of New York v. U.S. Dep't of Transp., 715 F.2d 732, 743 (2d Cir. 1983).

<sup>19</sup> Theodore Roosevelt Conservation P'ship, 661 F.3d at 73.

<sup>&</sup>lt;sup>20</sup> July 23, 2003 Memorandum regarding Guidance on "Purpose and Need" from Mary E. Peters, Administrator, Federal Highway Administration and Jennifer L. Dorn, Administrator, Federal Transit Administration, to FHWA

Despite these requirements, the Project's need and purpose were defined far too narrowly, FHWA and MTA determined the solution to New York City's congestion problem needed to: 1) reduce daily VMT in the Manhattan CBD; 2) reduce the number of vehicles entering the CBD; 3) create a funding source capable of raising \$15 billion for the MTA Capital Project; and, 4) establish a tolling program consistent with New York's "MTA Reform and Traffic Mobility Act." Even with MTA's decision to remove statutory compliance from its review when considering potential alternatives, the remaining prongs still defined the Project far too narrowly by including specific fundraising goals alongside the expected vehicle reduction goals. Had New Jersey been involved more directly throughout the Project's scoping, further ideas could have been generated to better define the Project's purpose in a way that considered potential impacts to the region, not just New York and MTA.

# 4. Tolling Alternatives

Even though MTA is proposing a novel solution to the Manhattan CBD's traffic congestion problem, the only alternatives the Final EA seriously considered were the CBDTP and the No Action Alternative. All other potential primary alternatives were rejected at the outset as MTA argued they would not meet all three of the Project's goals. This was a mistake and must be corrected.

The Final EA reflects the inadequate public outreach undertaken, and when combined with an artificially narrow purpose and need, resulted in an insufficient alternatives analysis. As those who work in the transportation field know, the Concept Development Phase of the Project Delivery process always results in the identification of a preferred alternative. That preferred alternative is the basis of the environmental review (or the NEPA process) and the alternative against which all other alternatives, including a "no build" alternative, are compared. Since the Project was defined so narrowly, the Final EA predictably considered only the regulatorily-required No Action Alternative alongside the CBD Tolling Alternative. This was an error. "[A]lternatives to the proposed action are 'the heart of'" a NEPA analysis.<sup>23</sup> This is necessary to ensure "the agency has taken a 'hard look' at [the] environmental consequences" of its proposed action.<sup>24</sup> Thus, a "properly drafted [EA] must include a discussion of appropriate alternatives to the proposed project." EAs that do not include sufficient alternatives or reject reasonable or feasible alternatives do not meet NEPA's requirements.<sup>26</sup>

To begin, there was no serious consideration in the Final EA of alternatives that did not meet all three narrow Project objectives. For instance, several alternatives – including rationing license plates, incorporating mandatory carpooling, and creating tolls on the East and Harlem River bridges – would have reduced the VMT daily as well as the number of vehicles in the CBD.<sup>27</sup> Yet they were rejected from any true consideration because they would not have, standing alone, met the \$15 billion

Division Administrators and FTA Regional Administrators, available at Environment.fhwa.dot.gov/legislation/nepa/memo purpose need.aspx/.

<sup>&</sup>lt;sup>21</sup> Final EA 1-18.

<sup>22</sup> Final EA 2-8.

<sup>&</sup>lt;sup>23</sup> Union Neighbors United, Inc. v. Jewell, 831 F.3d 564, 575 (D.C. Cir. 2016); see also 42 U.S.C. § 4332(C)(iii) (requiring "alternatives to the proposed action" to be included in every NEPA assessment).

<sup>&</sup>lt;sup>24</sup> Kleppe v. Sierra Club, 427 U.S. 390, 410 n.21 (1976).

<sup>&</sup>lt;sup>25</sup> Davis v. Mineta, 302 F.3d 1104, 1120 (10th Cir. 2002).

<sup>&</sup>lt;sup>26</sup> See, e.g., id. at 1122 (environmental assessment's alternatives discussion insufficient in part because alternatives "were improperly rejected" as "they did not meet the" project's purpose and need "standing alone," and the agency did not "give[] adequate study" to "[c]umulative options[.]").

<sup>27</sup> Final EA 2-6 to 2-7.

MTA fundraising goal. While New York's legislation required the \$15 billion goal, that statute is neither binding on FHWA nor does it outweigh NEPA's alternatives analysis requirement.

Furthermore, the Final EA never considered whether the proposed congestion tolling could be combined with one or more additional alternatives to create cumulative alternatives that still met the three narrowly defined Project goals. For example, both parking pricing strategies and reducing government-issued parking permits would have reduced vehicle miles traveled, albeit not at the percentages the Project sought here.<sup>28</sup> Likewise, as noted above, carpooling, license plate rationing, and tolling on other bridges also would have reduced VMT and reduced the number of vehicles in the CBD.<sup>29</sup> While all of these alternatives were rejected from further consideration because none, standing alone, would have met all three of the Project's objectives, the Final EA never considered whether one or more of these alternatives could have been combined with the proposed congestion tolling to achieve greater congestion reductions. In short, there was no attempt to consider cumulative alternatives.

This stunted approach to the alternatives analysis is particularly problematic given the history of prior congestion pricing proposals that included cumulative approaches. For instance, the 2007 PlaNYC report suggested a congestion pricing plan, but proposed it as a three-year temporary pilot plan. And congestion pricing was just one aspect of the plan in addition to new ferry service to underserved areas, better traffic law enforcement, expanded meter usage and integrating mass transit modes. Further, the 2007 PlaNYC report recognized that infrastructure improvements were necessary, but funding would need to come from multiple sources rather than a single, dedicated source. Similarly, the 2018 Fix NYC Plan proposed a three phase roll-out for congestion tolling, wherein the first phase included elements designed to prepare the region for the tolls, including mass transit upgrades, moving and parking violation enforcement, government parking placard review and addressing private buses. Notably the 2018 Fix NYC Plan drafters recognized that NEPA would require an EIS, not an EA, for a project of that magnitude. While the Final EA mentions these reports, it wholly ignores their underlying concepts and focuses instead on only one piece of the puzzle each presented, thereby missing additional possible alternatives.

Finally, the Final EA never considered pilot programs that other governmental entities have undertaken, such as charging a toll based on the number of miles people drove within the CBD, rather than a toll for entry or exit from the CBD.<sup>34</sup> FHWA was certainly aware of this alternative and the concept is supported by prior studies noting that taxi and for-hire vehicle cruising caused significant

<sup>&</sup>lt;sup>28</sup> The parking pricing strategies were also rejected because MTA does not have an agreement with New York City as to how the parking funds would be allocated. EA 2-7 at n.2. This is odd for at least two reasons. First, the Final EA is silent as to the efforts MTA undertook to pursue such an agreement. Second, the Final EA elsewhere notes that while MTA does not have an agreement with the New York/New Jersey Port Authority to install congestion tolling infrastructure on Port Authority property, MTA nonetheless hopes an agreement "regarding potential use of" the property can be reached. EA 2-25. Nowhere does the Final EA explain why an agreement with the Port Authority may be imminent while a similar agreement with the City is not a possibility. It is unreasonable to allow such disparate treatment of these issues, which effectively gives New York City alone an absolute veto to exclude potential alternatives from consideration.

<sup>&</sup>lt;sup>29</sup> Final EA 2-6 to 2-7.

<sup>30</sup> The City of New York, PlaNYC: A Greener, Greater New York at 77-78.

<sup>31</sup> Id. at 77.

<sup>32</sup> Fix NYC Advisory Panel Report, January 2018 at 4-5.

<sup>33</sup> Id. at 5.

<sup>34</sup> U.S. Department of Transportation, Federal Highway Administration; Congestion Pricing, Pay as You Drive, available at

https://ops.fhwa.dot.gov/congestionpricing/strategies/not involving tolls/pay drive.htm.

CBD congestion.<sup>35</sup> Yet the Final EA never mentions, let alone seriously considered, the possibility. That is particularly unfortunate because an alternative that charged tolls based on actual contributions to congestion in the CBD presumably would better serve the typical policy objectives of congestion pricing and better comport with New York laws requiring tolling of vehicles for remaining in the CBD – not merely upon entry and exit.

The Final EA's failure to consider any alternatives other than the Project and the regulatorily-required no action alternative renders the rest of the analysis fundamentally flawed. For instance, the Final EA recognizes that the Project will cause traffic patterns to shift, thereby increasing air pollution in some parts of New Jersey and causing further negative impacts to already overburdened environmental justice communities. Rather than consider alternatives that would truly reduce traffic throughout the entire regional study area, such as a combination of parking pricing, requiring carpooling and addressing governmental placards, the Final EA instead solely focused on an alternative that effectively shuffled the traffic out of the CBD and into surrounding areas. Thus, the Final EA ignores the very real possibility that the hypothetical tolling scenarios it considers could have had reduced congestion tolling rates, which would reduce traffic shifts and associated environmental impacts throughout the study area as drivers alter their travel to avoid tolls. And since the Final EA's alternatives analysis is so flawed, the draft FONSI must be rejected and an EIS undertaken that incorporates a true alternatives analysis.

### B. The Final EA Fails to Account for Impacts on New Jersey's Transportation Network and Commuters

MTA's process failures resulted in a Final EA that fails to account meaningfully for significant impacts on New Jersey transportation agencies and commuters.

### 1. Potential Revenue Impacts to the New Jersey Turnpike Authority

NJTA is an independent authority of the State of New Jersey. It is fully dependent on the revenues it collects from two tolled roadways (the New Jersey Turnpike and the Garden State Parkway). It receives no State or federal funds. The impact of traffic diversion from NJTA's roadways will vary, perhaps greatly, based on the final selected tolling scenario. This fact, coupled with the short timeframe allotted for review of the Final EA, meant that NJTA could not commission a formal origin and destination study, toll sensitivity study or diversion analysis. What is known, however, is that capacity at the shared Hudson River crossings (the Holland and Lincoln Tunnels) is limited. Without meaningful engagement by the FHWA or MTA, as described in detail above, NJTA was deprived of the opportunity to conduct the necessary studies that would allow NJTA to fully understand the financial impacts to its Capital Program and day-to-day operations. Further, NJTA holds a vast repository of traffic data collected over decades. FHWA's and MTA's failure to meaningfully engage with NJTA and avail themselves of such data specific to NJTA calls into question the validity of assumptions made in the Final EA with respect to the CBDTP's impacts on NJTA. NJTA supports a full federal EIS so that all affected can better understand the full impacts that will be generated by a preferred tolling scenario.

# 2. Potential Fare Impacts for New Jersey's Most Economically Distressed Communities

As is consistent with transit agencies across the nation, NJTRANSIT's fare box revenue is not sufficient to support the operational costs of the transit system for which it is responsible. It is

<sup>&</sup>lt;sup>35</sup> See Fix NYC Report at 13 ("[A]pp-based transportation companies ... are now the most significant source of congestion[.]").

<sup>36</sup> See, e.g. EA 10-23 to -34; 10-37 to -41; 17-30 to -43.

becoming increasingly clear that transit agencies across the country are approaching a "fiscal cliff" as the impacts resulting from the slow recovery of public transit ridership from the COVID-19 pandemic are compounded by the winding down of the federal COVID-19 relief fund program. Based upon the CDBTP tolling scenarios discussed in the Final EA, it is clear that NJTRANSIT buses entering the Port Authority Bus Terminal (PABT) will be assessed the CBDTP toll unless an alternative tolling scenario not considered by the Final EA is implemented.

Pre-pandemic, approximately 1,850 buses used the Lincoln Tunnel to access the PABT on any given morning during the peak commuter hour. That same volume of trips occurs during the evening peak commuter hour. Without an identified preferred tolling scenario, the cost of the CBDTP on NJTRANSIT operations and ridership fares is impossible to determine. For purposes of this exercise, consider the well-publicized peak hour CBDTP toll of \$23. If 1,850 buses travel 261 days a year, the increased cost to NJTRANSIT would be more than \$22 million annually, not an insignificant amount of money for an already financially-strapped agency.

NJTRANSIT buses only marginally touch the CBD before entering the PABT. Failure to affirmatively state that an exemption will be provided for these buses contradicts the policy rationale of Congestion Pricing – encouraging use of mass transit – because CBDTP tolls will make it more costly for commuters to use mass transit. That increased cost will inevitably trickle down to riders who, in many cases, are already economically disadvantaged. These disadvantaged riders are the least able, of all riders, to alter their travel patterns due to the nature of their employment, which often provides little, if any, flexibility as to when they report to work or whether they work remotely. These increased fares may cause public transit riders to return to their cars – clearly contradicting the CBDTP's purpose and need under at least two of the potential tolling scenarios.

NJTRANSIT will not only suffer direct impacts from the implementation of the CBDTP, but will also experience indirect expenses related to increased equipment needs and labor costs. NJTRANSIT has concerns regarding the ability to absorb any increase in ridership that may result from the CBDTP and the scope of capital investments that may be required to scale its ability to serve additional customers. The New York State Legislature and MTA recognized the strain that the CBDTP would place on two rail systems that serve the CBD – Long Island Railroad (LIRR) and Metro-North Railroad (MNR) – and accounted for the strains by allocating each 10% of the revenue stream associated with the CBDTP. Given the stresses to NJTRANSIT's capital plan and the fact that it will experience similar impacts as LIRR and MNR, it is only fair and equitable that MTA provide the same relief to the third railroad that serves the Manhattan CBD. It should be noted that, in addition to New Jersey-based commuters, NJTRANSIT serves New York customers on its "West-of-Hudson" service, including Rockland and Orange Counties, through the Pascack Valley and Port Jervis lines.<sup>37</sup>

Turning to non-public-transit commuters, the socioeconomic and demographic data on who currently drives into the CBD is not available, nor has it been fully considered. Many of these individuals cannot afford to live in Manhattan and must travel great lengths to reach their workplaces. It would be a mistake to assume, without sufficient data, that only the most privileged drive into New York, and the burden of the CBD's eventual tolling scheme should not, ultimately, be borne by those who can least afford it and have no other alternatives. To date, MTA has not done enough to protect these commuters; additional steps, including discounts and credits, must be taken. While MTA may provide a 25% discount on the full CBDTP toll to low-income drivers (after the first ten trips in a calendar month), it is unclear whether the proposed discount would be available to all New Jersey low-income drivers or only those in MTA's identified EJ communities. Additionally, the CBDTP may allow for double tolling when commuters use bridges/tunnels and then enter the CBD—a particular burden for low-income commuters. To avoid this unjust result, MTA must ensure that George Washington Bridge commuters who enter the CBD within a reasonable timeframe are credited and that

<sup>37</sup> EA Table ES-4; 17-16

any credit for Port Authority of New York and New Jersey commuters is not capped now or in the future.<sup>38</sup>

The MTA also should consider providing a tolling exemption for individuals being treated for an illness in a NYC health care facility. A patient who needs to be transported to NYC for medical treatment, either emergent or chronic, should not be required to ride public transportation. Patients could be immunocompromised, contagious, or unable to navigate public transportation due to their illness.

Finally, it should be noted that the CBDTP process for setting credits, discounts, and exemptions is inherently flawed. The make-up of the Traffic Mobility Review Board (TMRB) demonstrates that the deck is stacked against New Jersey. The TMRB is the six-member body created by the New York State Legislature to recommend toll rates, including credits, discounts, and exemptions. New Jersey does not have any representation on the TMRB. Yet, MTA – the beneficiary of CBD tolling – will have two current and three former board members on the TMRB, representing five out of six seats. The incentives of MTA's board members on the TMRB are obvious. That MTA announced the appointment of TMRB board members on behalf of the New York State and New York City Departments of Transportation evidences the degree of coordination and control that MTA has in setting such credits, discounts, and exemptions. It is also in stark contrast to New Jersey's lack of representation.

### 3. Potential Impacts on the New Jersey Department of Transportation

The CBDTP also will have negative consequences for NJDOT. For example, NJDOT's ability to manage traffic demand will be significantly impacted. Traffic demand management is the application of policies and strategies to reduce travel demand or to redistribute this demand in space or in time. Without a firm preferred tolling alternative, there is no mechanism for NJDOT to anticipate shifts in traffic amongst its various roadways and/or facilities. Similarly, NJDOT cannot determine how it will be required to shift its maintenance and operation forces and it will not be in a position to understand how mobility concerns during special events, inclement weather, or other unforeseen circumstances will need to be managed.

# C. The Final EA Fails to Appropriately Consider the Effects of the Project on New Jersey's Environmental Justice Communities

This Project raises equity and affordability concerns for New Jersey's low-income residents. Unfortunately, the State cannot fully evaluate potential environmental justice concerns based on the information presented in the Final EA. Additional analysis and engagement is needed.

In preparing the Final EA, the MTA EA utilized federal data and mapping tools, which resulted in the conclusions drawn about the potential for adverse environmental and public health impacts on New Jersey's EJ communities being inaccurate and ill-defined. The MTA should conduct a supplemental analysis utilizing New Jersey and New York-specific data and mapping tools to more accurately assess adverse environmental and public health impacts on New Jersey's EJ communities. Only with this more robust and refined analysis, coupled with increased NJ-based community engagement, can appropriate place-based mitigation measures be identified and implemented.

<sup>&</sup>lt;sup>38</sup> Rather than the proposed discount for individuals being treated for an illness in a NYC health care facility, the MTA should consider providing a tolling exemption. A patient who needs to be transported to NYC for medical treatment, either emergent or chronic, should not be required to ride public transportation. Patients could be immunocompromised, contagious, or unable to navigate public transportation due to their illness. Final EA 16-28.

# 1. The Final EA Improperly Confuses Economic Disparity with Environmental Disparity

First, in Chapter 17 – Environmental Justice, the MTA inappropriately conflates a host of economic and environmental issues of disparity. While the economic effects of the tolling program on low-income populations present an issue of equity broadly, they are not, in and of themselves, issues of environmental equity and justice. Rather, environmental justice includes the determination of whether an industrial, commercial and/or governmental decision has caused, or will cause disparate environmental and public health impacts for certain groups of people based on their race, color, national origin or income and the implementation of solutions to undo or prevent said impacts. Environmental justice is not the analysis of whether an industrial, commercial, or governmental decision will cause disparate economic impacts to said groups of people.

As such, an EIS should be completed, with more specificity, and utilizing New Jersey specific data and mapping tools, to determine whether the Project will cause disparate environmental and public health impacts for certain groups of people based on their race, color, national origin, or income and the implementation of solutions to undue or prevent said impacts.

# 2. The Final EA Fails to Fully Consider Air Quality Impacts in New Jersey as a Result of Traffic Diversions

While the Final EA concludes that regional air emissions will decrease as a result of the Project, the Final EA does not fully address the localized impacts to New Jersey communities. Indeed, it is anticipated that air emissions in Bergen County alone will increase due to increased truck traffic under most tolling scenarios.<sup>39</sup> This will result in an increase in air pollutants in Bergen County, including National Ambient Air Quality criteria pollutants such as carbon monoxide (CO); nitrogen dioxide (NO2); ozone (O3); PM regulated in two sizes, 2.5 microns and 10 microns (PM2.5 and PM10); sulfur dioxide (SO2); and lead (Pb) and mobile source air toxics. The potential for adverse impacts to New Jersey communities necessitates further study and identification.

Increased air pollution from increased, diverted truck traffic in Bergen County could cause adverse health effects within some communities that have the highest pre-existing pollution burdens. One of the communities that has census tracts warranting place-based mitigation measures is Fort Lee which has pre-existing pollution and chronic disease burden at the 90<sup>th</sup> percentile; however, Fort Lee is one of the communities with the highest propensity for truck diversion if the Project is implemented. To address these potential adverse effects, the MTA has committed funds to invest in regional and place-based mitigation measures to reduce diversions and emissions regardless of the selected tolling scenario. Such mitigation efforts must include a George Washington Bridge credit to reduce toll shopping at the Lincoln and Holland Tunnels, which will also reduce the traffic impact on buses using those tunnels. However, nowhere in the Final EA does the MTA address how mitigation funds will be utilized in New Jersey's effected communities.

The overall effect of the Program will be to shift traffic impacts outside of New York City, further exacerbating environmental and public health stressors in already overburdened communities in New Jersey. In order to fully understand the impacts and to develop effective place-based mitigation measures, an EIS must be completed.

<sup>&</sup>lt;sup>39</sup> See Tables 17-11, 17-13. The EA identifies census tracts in Fort Lee as Environmental Justice Communities. This finding is supported by NJ's Environmental Justice Mapping Assessment and Protection (EJMAP) tool. According to EJMAP, almost all of Fort Lee's block groups are overburdened block groups subject to adverse cumulative environmental and public health stressors, making them communities that are in need additional analysis and protections to accomplish environmental justice. Further, the majority of these block groups are adversely stressed by heavy-duty truck traffic.

# 3. The Final EA Fails to Explain Its Environmental Justice Methodology and May Improperly Exclude Certain New Jersey EJ Communities

In addition to Fort Lee, the Final EA lists three other New Jersey communities as having census tracts that would warrant place-based mitigation measures because they have some of the highest pre-existing pollution and chronic disease burdens: Orange, East Orange, and Newark. I-280 which runs through Orange, East Orange, and Newark connects to I-95 which serves as feeder route to the George Washington Bridge via Fort Lee.

While Orange, East Orange and Newark are flagged as communities with environmental justice concerns, there are several other communities with census tracts within the regional study area that have pre-existing pollution and chronic disease burdens which the Final EA does not address; the Final EA further reflects that mitigation measures likely will not be provided to these communities. It is unclear how the MTA selected Orange, East Orange, Newark and Fort Lee, while excluding other similarly situated communities. For example, I-280 also runs through East Newark and Harrison; however, the Final EA does not list those municipalities as having census tracts with pre-existing pollution and chronic disease burdens. Clarity surrounding the methodology of how the communities were selected is necessary in order for the State to understand how and when place-based mitigation measures are warranted.

The inclusion of some affected communities but not others could be due to the fact that the MTA relied upon the White House Council on Environmental Quality's CEJST tool to review environmental justice census tracts with pre-existing pollutant or chronic disease burdens above the 90<sup>th</sup> national percentile, rather than utilizing state or county percentiles for comparison like EJMAP does. The New Jersey EJMAP shows all the overburdened census block groups within these municipalities as being subject to adverse cumulative environmental and public health stressors. The utilization of NJ-specific metrics and a smaller unit of scale (block group rather than tract) would provide a more refined analysis for the potentially impacted New Jersey communities with environmental justice concerns than that which is used within the EA.

# 4. The Final EA Fails to Allocate Certain Place-Based Mitigation Measures to NJ

The Project Sponsors have committed to a \$155 million investment in mitigation measures over 5 years, including regional measures to reduce diversions and emissions from trucks throughout the 10-county environmental justice study area, as well as place-based measures that would be implemented in specific areas that have the highest pre-existing burdens or could experience the largest magnitude of diversions as the result of the Project. The Project Sponsors commit to these measures, regardless of the tolling structure eventually adopted. To mitigate the increases in air pollution, the Final EA concludes that several communities, including four in New Jersey—again, Orange, East Orange, Newark and Fort Lee—have census tracts that would merit place-based mitigation measures.

<sup>&</sup>lt;sup>40</sup> EJMAP calculates disproportionate impacts by counting the total number of environmental and public health stressors higher than that of the 50<sup>th</sup> percentile of non-overburdened block groups in the county or the state, whichever is lowest and compares that total count of "higher than" stressors to the total count of stressors of the non-overburdened block groups in the county or the state, whichever is lower, at the 50<sup>th</sup> percentile.

<sup>&</sup>lt;sup>41</sup> MTA's analysis under-defines overburdened communities in comparison to New Jersey's mapping in the counties closest to New York City. MTA's EJ Areas are: 1) Minority when at least 50% of census tract is minority, or minority percentage of tract exceeds minority percentage of the county where the tract is located; and 2) Low income when the percentage of individuals with household incomes up to twice the federal poverty threshold was higher than that percentage for the 28-county region. New Jersey, however, also includes important criterion like English proficiency and utilizes census block rather than census tract.

While measures to mitigate the negative effects of increased truck traffic are important, the State urges the MTA to consider all feasible avenues to avoid and minimize potential impacts before determining that mitigation alone is sufficient. Importantly, it is unclear whether the MTA will commit to a comprehensive investment of funds for mitigation measures across the region and especially in New Jersey as the Final EA is explicit about limitations on spending funds outside of New York, for example:

- The installation of electric truck charging infrastructure to reduce air pollutants will be implemented through the Federal Carbon Reduction Program using funds received by NYSDOT and will therefore be limited to locations in New York.
- The NYC Department of Health and Mental Hygiene (DOHMH) will conduct a needs
  assessment to identify schools in affected census tracts with existing high rates of
  asthma. NYC DOHMH will select a location in the Bronx to implement an asthma
  center with programming to benefit neighbors with asthma.

If NYSDOT and NYC DOHMH either cannot or have no intention to spend funds for electric truck charging infrastructure and asthma programming beyond NYS and NYC, respectively, the MTA must explore opportunities to deliver meaningful avoidance and mitigation measures comprehensively throughout the region.

A commitment to environmental justice requires that regional improvements in air pollution not discount localized harm potentially born by environmental justice or overburdened communities. Additional analysis and community input to determine specific implementation locations for place-based mitigation measures is necessary.

# D. The Final EA Fails to Account for Other Negative Impacts on Regional Air Quality and Public Health

Of concern, the Final EA does not include any assessments of the impact of air quality on health outcomes. Assessing health outcomes from potential impacts on air quality requires modeling and estimated theoretical risk assessments.

The Final EA seemingly analyzed a study area that included a site near I-95 in New Jersey, west of the George Washington Bridge in an EJ community. The study predicted that the annual PM<sub>2.5</sub> level within this EJ community would increase from 11.1 to 11.2.<sup>42</sup> Although this level is below the current primary annual standard for PM<sub>2.5</sub> of 12.0 μg/m³, on January 6, 2023, the EPA announced its proposal to revise the primary annual PM<sub>2.5</sub> standard to within the range of 9.0 to 10.0 μg/m³.<sup>43</sup> Currently, the NJDEP operates an air monitoring station in Fort Lee, near the approach to the George Washington Bridge, that consistently records some of the highest levels of PM<sub>2.5</sub> levels of all New Jersey. The 2019-2021 annual PM<sub>2.5</sub> design value was 9.6 μg/m³.<sup>44</sup> The Project would only exacerbate PM<sub>2.5</sub> levels near Fort Lee, and would likely result in the levels exceeding the revised EPA standards.

<sup>42</sup> See Table 10-14, page 10-48.

<sup>43 88</sup> FR 5558.

<sup>44</sup> https://www.nj.gov/dep/airmon/pdf/2021-nj-aq-report.pdf

The harmful effects of particulate matter are well-established.<sup>45</sup> PM<sub>2.5</sub> has significant health impacts due to its ability to penetrate deeply into the lungs.<sup>46</sup> Considering the health impacts of PM<sub>2.5</sub>, especially from mobile sources and within overburdened communities, any predicted increase of PM<sub>2.5</sub> due to increased VMT as a result of the Project is of concern and should be mitigated. Therefore, in addition to the concerns expressed by the environmental justice stakeholders that in "communities that already are overburdened by pollution, even a single additional truck is of concern," the continuing elevated levels of PM<sub>2.5</sub> in the Fort Lee monitor could contribute to a classification of nonattainment when EPA implements the new lower PM<sub>2.5</sub> NAAQS.<sup>47</sup>

New York should proactively implement measures to reduce PM<sub>2.5</sub> emissions, including in New Jersey communities. Although the MTA has committed to target certain New York locations to receive higher priority for zero emission buses, there are no similar mitigation measures that address the projected increases in VMT and PM<sub>2.5</sub> levels in New Jersey. In addition, the MTA notes that there will be installation or upgrades to air filtration units in NYC schools, as well as expanded asthma case management. However, since there was not a thorough evaluation on the Project's impact on New Jersey communities, there is no proposal to mitigate similar impacts to New Jersey's residents. This is despite the fact that one in four children in Newark has asthma, three times the national rate. Indeed, the Final EA and Draft FONSI state that no mitigation is needed, and instead, ongoing monitoring and reporting of potential effects will be reported.<sup>48</sup> In addition, the Final EA contains does not address Mobile Source Air Toxics Health impacts, instead saying the MTA does not have sufficient information to do so.<sup>49</sup>

The Final EA attempts to obscure the impacts to areas outside of New York by shifting the perspectives from a regional to a local level. For example, the EA shows that Bergen County will suffer increased air pollutants as a result of the proposed program, both in the near and the far term, yet the EA concludes there will not be significant air impacts because region-wide, the air quality will

<sup>&</sup>lt;sup>45</sup> See Comments of the Attorneys General for the States of California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin, the District of Columbia, and the City of New York on the EPA Administrator's Reconsideration of the National Ambient Air Quality Standards for Particulate matter, 88 Fed. Reg. 5558 (Jan. 27, 2023) (March 28, 2023), at <a href="https://downloads.regulations.gov/EPA-HQ-OAR-2015-0072-2307/attachment">https://downloads.regulations.gov/EPA-HQ-OAR-2015-0072-2307/attachment</a> 1.pdf.

<sup>&</sup>lt;sup>46</sup> See EPA, Health and Environmental Effects of Particulate Matter (PM), <a href="https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm">https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm</a>. Exposure to PM<sub>2.5</sub> has been linked to premature mortality, lung cancer, cardiovascular effects and disease, and nervous system effects. Exposure to PM<sub>2.5</sub> has also been linked to respiratory effects including changes in lung function, decrements in lung function growth, increased respiratory symptoms, such as coughing, difficulty breathing, irritation of the airways, respiratory infection and aggravated asthma. See 85 FR 82,684, 82,695 through 82,703. Studies also indicate that "asthma, lung function decrement, respiratory symptoms, and other respiratory problems appear to occur more frequently in people living near busy roads." 69 FR 38,958, 38,966. One study "indicated that long-term residence near major roads, an index of exposure to primary mobile source emissions (including diesel exhaust), was significantly associated with increased cardiopulmonary mortality." Id. "Other studies have shown children living near roads with high truck traffic density have decreased lung function and greater prevalence of lower respiratory symptoms compared to children living on other roads." Id. Diesel PM emissions also contain "numerous organic compounds, including over 40 known cancercausing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acrelein, and 1,3-butadiene" referred to as air toxics. See CARB, Overview: Diesel Exhaust & Health, <a href="https://www2.arb.ca.gov/resources/overview-diesel-exhaust-and-health">https://www2.arb.ca.gov/resources/overview-diesel-exhaust-and-health</a>.

<sup>&</sup>lt;sup>47</sup> The National Ambient Air Quality Standards (NAAQS) is a health-based standard, which the Clean Air Act requires be established at a level required to protect public health, with an adequate margin of safety. 42 U.S.C. 7409(b)(1).

<sup>48</sup> See FONSI page 10; see also draft EA at page 10-48 and Table 10-16 on page 10-53.

<sup>49</sup> Final EA 0-5 to - 8.

improve. This approach buries the reality that while Manhattan's air quality will improve, New Jersey air quality will deteriorate as traffic and accompanying pollutants shift.

There are several tolling options presented in the EA, and it is unknown which one will be chosen, or whether some other alternative not analyzed in the Final EA will be implemented. Regardless, there will be increased traffic and air quality impacts on overburdened communities in New Jersey. These impacts are significant, and they require both the completion of an EIS and meaningful mitigation.

#### E. Conclusion

Underlying the NEPA process is an understanding that an agency can only issue a FONSI if, "after reviewing the direct and indirect effects of a proposed action, it concludes that the action will not have a significant effect on the human environment." To determine whether a project's effects on the environment are significant enough to require an EIS, an agency must consider the context and the intensity of the project. 51

Factors affecting the "intensity" of an action include effects "that may be both beneficial and adverse," effects that are "individually insignificant but cumulatively significant," effects on "unique characteristics" of the project area such as "cultural resources" and "ecologically critical areas," the "degree to which the effects . . . are likely to be highly controversial," the "degree to which the possible effects . . . are highly uncertain or involve unique and unknown risks" . . . The obligation to conduct an EIS can be triggered by an effect on one of those significance factors, but the simple existence of an effect does not trigger that obligation—the "relevant analysis is the degree to which the proposed action affects" a listed factor. 52

The EA process is not instituted because the agency believes that there are no or only minimal impacts at the start; rather, an EA is instituted because the impacts are unknown. If an agency finds that "significant" environmental effects are a likely result of the proposed action, the agency must then prepare the more thorough EIS. The EIS requires the agency to consider all direct, indirect, and cumulative environmental effects of the proposed action, and conduct an alternatives analysis.

Here, the Draft EA disclosed significant impacts to numerous areas outside the CBD, including increased air pollution and environmental justice impacts on New Jersey neighborhoods. Concerns were raised in response to the Draft EA, but there was no meaningful additional outreach to affected agencies or communities, and the Final EA does not address how these impacts would be mitigated or cured.

In short, the Final EA for the CBDTP is flawed. The flaws began with the utter lack of adequate outreach to New Jersey during the scoping process for this novel project, which has not been tried before in a multi-state context. Further, while the Final EA provided seven different tolling scenarios, it failed to identify a preferred tolling scenario that would be the basis for an agency to conduct a thorough review and due diligence. Making matters worse, the Final EA implies that it is unlikely any

<sup>50</sup> WildEarth Guardians v. Conner, 920 F.3d 1245, 1261 (10th Cir. 2019).

<sup>51</sup> Ibid.

<sup>&</sup>lt;sup>52</sup> Ibid., citing Hillsdale Envtl. Loss Prevention, Inc. v. U.S. Army Corps of Eng'rs, 702 F.3d 1156, 1180 (10th Cir. 2012).

of the scenarios presented will be implemented in their entirety.<sup>53</sup> In fact, the amounts of the CBDTP's actual tolls will not be decided until after the FONSI is issued. Without identification of a preferred tolling scenario, it is impossible to understand and evaluate the potential environmental impacts that may flow from implementation of the CBDTP. Further, the Final EA fails to fully consider the unique and serious impacts the CBDTP will have on New Jersey, including impacts to New Jersey's roads, air quality and its environmental justice communities. This failure no doubt contributed to the Final EA's "all or nothing" approach to the required alternatives analysis whereby the only stated alternative to the CBDTP is no project at all.

Further, FHWA has allowed MTA to structure this proceeding in a way that inhibits meaningful comment with appropriate technical data as to the impacts of the CBDTP on New Jersey roads, transit facilities and ridership, the health of vulnerable communities, or affected agency finances. Frankly, without a preferred tolling scenario, the Final EA fails to achieve the purposes for which EAs are required pursuant to NEPA.<sup>54</sup>

The Final EA and its omissions make clear that FHWA should have required the EIS process rather than the more truncated EA process, and the failure to do so harms New Jersey and its residents, communities (including our most disadvantaged), businesses, commuters and agencies.<sup>55</sup>

Given the significant public interest, the Project's novelty, and the errors in the process used here, FHWA must rescind the Draft FONSI and instead require the MTA to undertake an EIS based on MTA's preferred tolling scenario.

Thank you for your review and consideration.

Sincerely,

Philip D. Murphy

Governor

<sup>&</sup>lt;sup>53</sup> See Appendix 2E-2, n.1. "The parameters in this table were assumed for modeling purposes . . . . Actual toll rates, potential credits/exemptions, and/or other discounts, and the time of day when the toll rates would apply, would be determined by the TBTA Board after recommendation by the Traffic Mobility Review Board."

<sup>&</sup>lt;sup>54</sup> See\_40 C.F.R. § 1501.5(c)(1) (noting that an EA must "provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact").

<sup>&</sup>lt;sup>55</sup> Looking ahead, if the CBDTP is implemented despite the lack of proper environmental analysis, the Federal Transit Administration must enter into a discussion concerning current federal funding shares amongst MTA and other transportation agencies in the region. It is imperative that any revenue benefit that flows to MTA be offset by an appropriate sharing of federal funding to ensure that the New Jersey agencies that may suffer revenue loss can be fairly compensated through federal dollars.



1200 New Jersey Ave., SE Washington, D.C. 20590

September 3, 2020

Ms. Polly Trottenberg Commissioner New York City Department of Transportation 55 Water Street, 9th Floor New York, NY 10041

Dear Commissioner Trottenberg:

Thank you for your letter of July 2, 2020, requesting that the Federal Highway Administration (FHWA) take immediate action on the New York City Department of Transportation's (NYCDOT) Expression of Interest (EOI) for the proposed Central Business District (CBD) Tolling Program, as well as expediting the environmental review of the CBD Program under the National Environmental Policy Act (NEPA).

The FHWA appreciates the data provided in the Traffic and Revenue (T&R) Study submitted on January 27, 2020. Shortly after your submission of the T&R Study, the COVID-19 public health emergency resulted in an unprecedented situation that has created unforeseen circumstances across the country, and especially in New York City. In particular, Governors, Mayors and other public officials have had to take extraordinary steps to respond to this public health emergency such as order lockdowns, closures of businesses, and impose restrictions on the use of public transit. These steps, and other actions taken by citizens with respect to travel and social distancing, have had many unforeseen impacts, including to traffic within the CBD. Considering these circumstances, please provide updated data on the COVID-19 impacts to current and anticipated traffic levels in the CBD and impacts to public transit ridership.

As you know, the impact on congestion is a relevant consideration under the Value Pricing Pilot Program (VPPP). Given the current unprecedented public health emergency, FHWA needs to assess current traffic levels and public transit ridership as well as an anticipated time line under which NYCDOT's and other traffic and commercial experts estimate would return to pre-COVID-19 levels of congestion to inform our decisionmaking under NEPA and the VPPP.

If you have any questions regarding this or other matters, please feel free to contact me. I am providing identical replies to the co-signers.

Sincerely,

Nicole R. Nason Administrator

~IK.N\_



1200 New Jersey Ave., SE Washington, D.C. 20590

September 3, 2020

Marie Therese Dominguez Commissioner New York State Department of Transportation 50 Wolf Road Albany, NY 12232

Dear Commissioner Dominguez:

Thank you for your letter of July 2, 2020, requesting that the Federal Highway Administration (FHWA) take immediate action on the New York City Department of Transportation's (NYCDOT) Expression of Interest (EOI) for the proposed Central Business District (CBD) Tolling Program, as well as expediting the environmental review of the CBD Program under the National Environmental Policy Act (NEPA).

The FHWA appreciates the data provided in the Traffic and Revenue (T&R) Study submitted on January 27, 2020. Shortly after your submission of the T&R Study, the COVID-19 public health emergency resulted in an unprecedented situation that has created unforeseen circumstances across the country, and especially in New York City. In particular, Governors, Mayors and other public officials have had to take extraordinary steps to respond to this public health emergency such as order lockdowns, closures of businesses, and impose restrictions on the use of public transit. These steps, and other actions taken by citizens with respect to travel and social distancing, have had many unforeseen impacts, including to traffic within the CBD. Considering these circumstances, please provide updated data on the COVID-19 impacts to current and anticipated traffic levels in the CBD and impacts to public transit ridership.

As you know, the impact on congestion is a relevant consideration under the Value Pricing Pilot Program (VPPP). Given the current unprecedented public health emergency, FHWA needs to assess current traffic levels and public transit ridership as well as an anticipated time line under which NYCDOT's and other traffic and commercial experts estimate would return to pre-COVID-19 levels of congestion to inform our decisionmaking under NEPA and the VPPP.

If you have any questions regarding this or other matters, please feel free to contact me. I am providing identical replies to the co-signers.

Sincerely,

Nicole R. Nason Administrator

IK.R\_



1200 New Jersey Ave., SE Washington, D.C. 20590

September 3, 2020

Patrick J. Foye Chairman and Chief Executive Officer Metropolitan Transportation Authority 2 Broadway New York, NY 10004

Dear Chairman Foye:

Thank you for your letter of July 2, 2020, requesting that the Federal Highway Administration (FHWA) take immediate action on the New York City Department of Transportation's (NYCDOT) Expression of Interest (EOI) for the proposed Central Business District (CBD) Tolling Program, as well as expediting the environmental review of the CBD Program under the National Environmental Policy Act (NEPA).

The FHWA appreciates the data provided in the Traffic and Revenue (T&R) Study submitted on January 27, 2020. Shortly after your submission of the T&R Study, the COVID-19 public health emergency resulted in an unprecedented situation that has created unforeseen circumstances across the country, and especially in New York City. In particular, Governors, Mayors and other public officials have had to take extraordinary steps to respond to this public health emergency such as order lockdowns, closures of businesses, and impose restrictions on the use of public transit. These steps, and other actions taken by citizens with respect to travel and social distancing, have had many unforeseen impacts, including to traffic within the CBD. Considering these circumstances, please provide updated data on the COVID-19 impacts to current and anticipated traffic levels in the CBD and impacts to public transit ridership.

As you know, the impact on congestion is a relevant consideration under the Value Pricing Pilot Program (VPPP). Given the current unprecedented public health emergency, FHWA needs to assess current traffic levels and public transit ridership as well as an anticipated time line under which NYCDOT's and other traffic and commercial experts estimate would return to pre-COVID-19 levels of congestion to inform our decisionmaking under NEPA and the VPPP.

If you have any questions regarding this or other matters, please feel free to contact me. I am providing identical replies to the co-signers.

Sincerely,

Nicole R. Nason

IN.R

Administrator







October 13, 2020

The Honorable Nicole R. Nason Administrator Federal Highway Administration U.S. Department of Transportation 1200 New Jersey Avenue, SE Washington, DC 20590

#### Dear Administrator Nason:

We are in receipt of your letter of September 3, 2020, responding to our letter of July 2, 2020 requesting that the Federal Highway Administration act on our June 17, 2019 Expression of Interest for the Central Business District Tolling Program (CBDTP) by providing guidance on the form of environmental review under the National Environmental Policy Act (NEPA) and expedite it consistent with the June 4, 2020 Executive Order.

We believe we provided sufficient data and justification for the need for the CBDTP. To date, we have received no questions from the Federal Highway Administration (FHWA) regarding the Traffic and Revenue Study submitted in January 2020 other than your current question regarding the impact of COVID-19, which we will address here.

Transportation has always been and remains the foundation on which the US economy is built – it is the way we access health and education, the way we grow our businesses, and the way we move around for recreational purposes. We in the New York metropolitan region know this better than anyone as our region is home to the largest transit system in the nation, the two largest commuter rail systems in the nation, and one of the most complex street and highway networks in the nation, not to mention being a recognized gateway for national and international travel and commercial goods.

As you know, USDOT's Bureau of Statistics (BTS) is already showing more movement in our region with the percentage of population staying home decreasing from the peak of the pandemic in many of the counties that feed the CBD (USDOT, BTS, *Trips by Distance*, <a href="https://www.bts.gov/browse-statistical-products-and-data/trips-distance/explore-us-mobility-during-covid-19-pandemic">https://www.bts.gov/browse-statistical-products-and-data/trips-distance/explore-us-mobility-during-covid-19-pandemic</a>). USDOT has additional information via BTS, which is tracking numerous recovery metrics related to transportation and the impact of COVID-19 across multiple modes and geographical areas, including MTA's subway transit ridership. The following paragraphs provide some more detailed data specific to the CBDTP.

While you are aware that MTA's transit ridership remains significantly lower (roughly 68% lower compared to 2019), there has been steady improvement since April 2020 and even at the current ridership, the system moves more customers than any other system in the country. Importantly, with roughly half the riders back, bus ridership is recovering at a faster pace than our rail systems. As bus ridership continues to return, it is especially important to reduce congestion to improve bus speeds and reliability.

With respect to roadway traffic beyond bus transit, as New York continues through its phased reopening, traffic on the roads has returned more rapidly than transit ridership. From a nadir of 70% below 2019 levels in mid-April of this year, traffic on MTA's bridges and tunnels in September 2020 has climbed to 86% compared to the same period last year. New York City Department of Transportation is witnessing similar trends, with weekday daily volumes entering the CBD reaching roughly 95% of pre-COVID levels by mid-September 2020. This data is consistent with reports from WAZE which show New York City nearing pre-COVID traffic levels and rebounding faster than other cities (<a href="https://www.waze.com/covid19">https://www.waze.com/covid19</a>).

Nason, 10/8/2020

p. 2

With this traffic comes congestion and reduced traffic speeds. Pre-COVID-19 vehicle speeds averaged 6.6 mph on weekdays and 11.3 mph on weekends; current vehicle speeds are 7.5 mph on weekdays and 10.7 mph on weekends. In other words, congestion has already returned to pre-pandemic levels at certain times and days in Manhattan's CBD.

As traffic volumes entering the CBD recover and speeds in the CBD decline, traffic conditions are on a trajectory to match those when the CBDTP was first raised with the US Department of Transportation in Spring 2019. The CBDTP will be key to helping change these patterns to ensure utilization of *all* travel modes and a reliable and efficient roadway network.

In short, traffic is returning quickly, congestion is growing, and speeds are dropping, making the CBDTP as important now as when we sent you the Notice of Intent in June of last year. We appreciate the many discussions with you, your staff, and the FHWA Division Office since we first approached you in April 2019 about the CBDTP – including the NEPA process, the appropriate NEPA documentation and the types of impacts to be considered – and we have responded to questions during these sessions, as well as in a more formal communication in December 2019 and by providing the Traffic and Revenue Study in January 2020. Current trends foreshadow a return to traffic and congestion to pre-COVID-19 levels this fall or sometime next year. Thus, it is imperative that FHWA inform us of the form of NEPA document (Environmental Assessment [EA] vs. Environmental Impact Statement [EIS]) it believes we should prepare for the CBDTP. We look forward to hearing your response so we can advance the environmental review process in accordance with the Council on Environmental Quality and FHWA regulations as expeditiously as possible.

Sincerely,

Marie Therese Dominguez

Commissioner

NYSDOT

Patrick J. Foye Chairman and CEO

MTA

Polly Trottenberg Commissioner

NYCDOT

CC: J. Szabat, Under Secretary Transportation for Policy, USDOT

R. Epstein, Executive Deputy Commissioner, NYSDOT

A. C. de Cerreño, Senior Vice President and Acting CFO, TBTA

W. Carry, Senior Director, NYCDOT



1200 New Jersey Ave., SE Washington, D.C. 20590

October 24, 2019

Mr. Ron Epstein Executive Deputy Commissioner/CFO New York State Department of Transportation 50 Wolf Road Albany, NY 12232

Dear Mr. Epstein:

Thank you for submitting an Expression of Interest (EoI) to the Federal Highway Administration (FHWA) on behalf of the New York City Department of Transportation, the Triborough Bridge and Tunnel Authority and your department, requesting authority within the Value Pricing Pilot Program (VPPP) to toll motor vehicles within New York City, south of 60th Street, on existing roadways. This letter responds to your EoI and outlines further information that is required. This letter does not constitute an approval or a denial, rather it simply requests additional information that will be necessary as FHWA contemplates future actions.

As you are aware, the VPPP is intended to demonstrate whether and to what extent roadway congestion may be reduced through application of congestion pricing strategies, and the magnitude of the impact of such strategies on driver behavior, traffic volumes, transit ridership, air quality and availability of funds for transportation programs. In fact, of the multiple VPPP projects that have been implemented, FHWA has found that congestion pricing can be very effective for reducing traffic, improving roadway capacity, and providing reliable trips for automobiles as well as commercial vehicles and transit vehicles.

The FHWA has reviewed your EoI to consider the tolling and pricing concepts. Under the various programs in Federal law that allow tolling of existing infrastructure, the VPPP appears to be the best potential fit, provided the overall purpose of variable tolling remains to reduce roadway traffic congestion. While the EoI indicates that a variable pricing structure will be implemented to help mitigate congestion, it does not sufficiently express the degree to which the proposed tolling framework would reduce roadway traffic congestion and on which facilities. Further, many of the implementation and operational details are still in early stages of development, including the various impacts associated with traffic diversion.

For FHWA to conduct a thorough assessment, the Agency requests the findings of a thorough traffic and revenue study to include the following, among other pertinent facts, impacts, and options:

A. Estimated reduction in traffic volumes and congestion levels for various types of system users, including commercial vehicles and transit vehicles;

B. How tolling charges will be varied in the variable priced system, and if and how adjustments to the toll pricing schedule will be considered and approved;

C. Anticipated effects on driver behavior, especially as impacted by congestion charge exemptions that may be granted, as well as impacts on low-income drivers and relevant mitigation measures under consideration;

D. Proposed use of revenues generated by the project, especially for operating and maintaining the roadway facilities that will be tolled;

E. Potential impact on transit ridership and plans to sustain the area's transit operations, infrastructure, and rolling stock in a state-of-good-repair;

F. Intended use of Federal-aid highway program funds to implement the project, if applicable and if so, procurement and sourcing plans, including plans to maximize domestic content; and,

G. Considerations of the ITS Regional Architecture, systems engineering, and electronic tolling interoperability.

The FHWA anticipates that much of this information will be further developed and supported by analysis done for the traffic and revenue study and during the environmental review process.

In addition, the proposed project is an area-wide congestion pricing system, which is unprecedented in the VPPP and such type system has not yet been implemented in the U.S. Therefore, FHWA must consider the precedents set by this project. One such consideration is that the VPPP requires maintenance of the infrastructure that is subject to the tolling allowed by the program. However, per our interpretation of the state law that initiates this project, toll revenues must be used almost exclusively for improving transit systems. The FHWA therefore requests further information regarding the planned use of revenues and a certification that the highway and street infrastructure and traffic control devices within the proposed pricing area will be maintained adequately, as is required in other VPPP projects.

If the Central Business District Tolling Project proceeds to the implementation stage, a toll agreement between FHWA, your agency, and the other project partners would need to be developed and signed to secure Federal tolling authority under the VPPP. Upon execution of the toll agreement with FHWA, New York State DOT (NYSDOT) and your partners could then implement the project and collect and use the toll revenues consistent with the legal requirements outlined in Title 23, United States Code.

The FHWA recognizes that NYSDOT and its partners seek an expedited deployment schedule. We will review your information as expeditiously as possible following your submittals, but we cannot guarantee that our determinations will meet your desired start date, especially considering the complexity and new constructs of cordon pricing that the VPPP has not previously authorized elsewhere.

Further information on the VPPP is available on FHWA's Tolling and Pricing Opportunities Website: <a href="http://www.ops.fhwa.dot.gov/tolling\_pricing/index.htm">http://www.ops.fhwa.dot.gov/tolling\_pricing/index.htm</a>. As with all VPPP proposals, the Department stands ready to provide technical assistance as requested. If you have any

2

specific questions or require additional information related to the Federal interests or requirements associated with tolling authority under the VPPP or a toll agreement, please feel free to contact the FHWA Division Administrator for the New York Division Office, Mr. Rick Marquis, at 518-431-8897.

Sincerely,

Nicole R. Nason Administrator

mak.n

cc:

Marie Therese Dominguez, Commissioner, NYSDOT
Polly Trottenberg, Commissioner, NYCDOT
Patrick Foye, Chairman and CEO, Metropolitan Transportation Authority
Allison L. C. de Cerreno, Senior V.P., Business Operations & Transformation Officer,
Triborough Bridge and Tunnel Authority
William Carry, Senior Director for Special Projects, NYCDOT

3



New York Division

March 30, 2021

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 (518) 431-4127 (518) 431-4121 (fax) NewYork.FHWA@dot.gov

> In Reply Refer To: HDA-NY

Ms. Marie Therese Dominguez Commissioner New York State Department of Transportation 50 Wolf Road, 6<sup>th</sup> Floor Albany, NY 12232

Mr. Henry Gutman Commissioner New York City Department of Transportation 80 Maiden Lane, 17<sup>th</sup> Floor New York, NY 10038

Mr. Patrick J. Foye Chairman and Chief Executive Officer Metropolitan Transportation Authority 2 Broadway New York, NY 10004

Subject: New York City Central Business District Tolling Program - NEPA Class of Action

Dear Ms. Dominguez, Mr. Gutman, and Mr. Foye:

New York, acting through New York State Department of Transportation, the Triborough Bridge and Tunnel Authority and the Metropolitan Transportation Authority (MTA), is working to implement a legislatively-approved variable tolling program within the Manhattan Central Business District in order to reduce traffic congestion, improve air quality and make needed investments in the MTA transit system. As you know, implementing this variable tolling program will require acceptance into FHWA's Value Pricing Pilot Program (VPPP), a federal action triggering review under the National Environmental Policy Act (NEPA).

Because FHWA cannot make a final decision regarding the implementation of tolls under the VPPP until after the completion of the NEPA process, you reached out to FHWA on October 13, 2020 requesting feedback on the appropriate classification under NEPA needed to ensure the necessary analysis of, and public engagement in, development of the Central Business District (CBD) Tolling Program.

This important and potentially precedent-setting project would include variable tolling once a day for vehicles entering or remaining within Manhattan south of 60th street within the area known as the Central Business District. As laid out in your Expression of Interest in the VPPP,

the goal of this effort is to reduce congestion, improve air quality, create a sustainable capital funding source for transit, increase transit ridership and improve transit services for low-income residents. Tolls generated from the project would be leveraged to create a total of \$15 billion in bonds for the Metropolitan Transportation Authority for needed improvements in the existing transit system.

FHWA stands ready to work with you – through both the NEPA and the VPPP processes – to engage the public in this effort and ensure that necessary traffic, air quality, and other analyses will be conducted to better inform our consideration of the tolling program.

After careful review of the relevant information, FHWA believes that our mutual goals of producing needed traffic and air quality analysis and soliciting robust public input from all stakeholders can best be achieved through the preparation of an Environmental Assessment (EA). The EA will be prepared pursuant to 40 C.F.R. 1500-1508 (CEQ Regulations for Implementing the Procedural Provisions of NEPA, effective September 14, 2020). Also, as part of the preparation of the EA, there will be enhanced coordination and public involvement that engages stakeholders from throughout all three States (New York, New Jersey, and Connecticut) in the commuting area of the CBD in accordance with 23 U.S.C. Section 139 (Efficient environmental reviews for project decision-making).

We look forward to collaborating with and assisting you so that FHWA can arrive at a prompt and informed NEPA determination on this project. FHWA will expedite its efforts wherever possible and we suggest that we begin by scheduling a meeting regarding next steps and a schedule for the NEPA EA process. At the same time, we are happy to discuss Federal requirements that may apply for the development of a VPPP cooperative agreement for the CBD Tolling Program. If you have any questions or comments, please contact me at (518) 431-8897.

Sincerely,

RICHARD JOSEPH MARQUIS Digitally signed by RICHARD JOSEPH MARQUIS Date: 2021.03.30 08:58:27 -04'00'

Richard J. Marquis Division Administrator

cc: Stephen Goodman, Regional Administrator, FTA Region 2



**New York Division** 

August 18, 2021

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HDA-NY

Commissioner Marie-Therese Dominguez Executive Deputy Commissioner/CFO New York State Department of Transportation 50 Wolf Rd, 6th Floor, Albany, NY 12232

Acting Board Chair and CEO Janno Leiber Metropolitan Transportation Authority 2 Broadway, Executive Floor New York, NY 10004

Commissioner Hank Gutman New York City Department of Transportation 55 Water Street, 9<sup>th</sup> Floor New York, NY 10041

Subject: Notice of Acceptance of Initiation of Environmental Assessment

Manhattan Central Business District Tolling Program

City of New York, New York County

Dear Commissioners and Acting Chairman:

In reply to your August 17, 2021 letter, we will initiate the Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) on September 7, 2021. To summarize, this project is undergoing NEPA in anticipation of an application to the Value Pilot Pricing Program (VPPP) which provides transportation agencies with options to manage congestion through tolling and other pricing mechanisms. Our understanding is the project goal is to reduce congestion in the Manhattan Central Business District and one way to achieve congestion reduction is through tolling. Further, there is State legislation in place that would support tolling if it is the selected alternative resulting from the NEPA process.

Over the past several months, our staffs have been working collaboratively to identify the content and methodology needed for the EA and the Coordination Plan that outlines the enhanced coordination and public involvement that will be part of the EA. The coordination plan will ensure there is meaningful engagement for stakeholders and the public, including environmental communities in all three States (New York, New Jersey and

Connecticut) in the study area. We acknowledge the schedule submitted with your letter. Specific milestones will be subject to all statutory requirements.

The formal NEPA process will begin with the kick-off meeting with the Federal and State agencies with roles or actions as part of the project. We look forward to continuing to work with you to keep this process on or ahead of schedule. We will work to accelerate milestones, if possible, as long as engagement with the public and stakeholders is not shortchanged and all statutory requirements are met. If you have any questions or comments, please do not hesitate to contact me at (518) 431-8897.

Sincerely,

RICHARD Digitally signed by RICHARD JOSEPH MARQUIS

MARQUIS Date: 2021.08.18
14:46:33 -04'00'

Richard J. Marquis Division Administrator

cc: Allison de Cerreno MTA Ron Epstein NYSDOT Will Carey NYCDOT 2

# Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 136 of 275 PageID:

TED STATES TO NO S

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NY 10007-1866

July 13, 2022

Rick Marquis FHWA NY Division Administrator Federal Highway Administration Leo O'Brien Building 11A Clinton Ave, Suite 719 Albany, NY 12207

Allison L. C. de Cerreño, Ph.D. Deputy Chief Operating Officer Metropolitan Transportation Authority 2 Broadway, 23rd Floor New York, NY 10004 Ronald Epstein
Executive Deputy Commissioner/CFO
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

William Carry
Assistant Commissioner for Policy
NYC Department of Transportation
55 Water Street, 9th Floor
New York, NY 10041

RE: Administrative Draft Environmental Assessment June 2022 – Central Business District Tolling Program (CBDTP), New York, NY (Project)

Dear Mr. Marquis, Mr. Epstein, Dr. de Cerreño, and Mr. Carry,

The U.S. Environmental Protection Agency (EPA) has reviewed the Administrative Draft Environmental Assessment (ADEA) prepared by project sponsors Federal Highway Administration (FHWA), New York State Department of Transportation (NYS DOT), and Metropolitan Transportation Authority (MTA). This review was conducted in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR §§ 1500 - 1508), and Section 309 of the Clean Air Act.

EPA understands the purpose of the Project is to reduce traffic congestion in the Manhattan Central Business District (CBD), which encompasses the geographic area of Manhattan south of 60th Street. The ADEA has been developed to address potential local impacts associated with the proposed CBDTP and includes all locations where tolling infrastructure would be installed. Additionally, the environmental analysis considers the effects of the Project on a wider regional study area, consisting of 28 counties where most of the trips to and from the CBD originate and/or terminate.

Given the requested review timeframe, EPA has conducted an expedited review of the ADEA focusing on the primary issues identified in our previous comment letter to the project sponsors dated March 10, 2022. We may have additional comments once we have had sufficient time to review the document more thoroughly.

Based on our review to date, we acknowledge the modifications to the ADEA based on our previous feedback, most notably with respect to improvements made to expand the mesoscale and local air quality analyses. Furthermore, we commend FHWA for improving the clarity of major findings by presenting information in tabular and visual formats.

# Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 137 of 275 PageID: 5819

We highly recommend concrete mitigation efforts to address and reduce the potential impacts, especially any health effects, identified in this ADEA. We have enclosed with this letter further comments and recommendations for consideration as the ADEA is being finalized. Overall, EPA continues to ask for a more thorough evaluation of existing burdens and cumulative effects to communities with environmental justice concerns within the wider regional study area. We also recommend that in-person or hybrid meetings be held throughout the public comment period in the CBD and surrounding areas for increased public participation.

Thank you for the opportunity to support this work as a cooperating agency throughout this NEPA process for the CBDTP. We will continue to work, and collaborate, with U.S. Department of Transportation – Federal Highway Administration and other project sponsors over the next few weeks in preparing the ADEA for public comment, organizing public hearings, and conducting the final agency review.

Should you have questions on our comments noted above or related to this Project, please contact David Kluesner, Director, Strategic Programs Office at 212-637-3653 or kluesner.dave@epa.gov.

Sincerely,

Lisa Garcia Lisa F. Garcia

Regional Administrator

US Environmental Protection Agency, Region 2

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 138 of 275 PageID: 5820

[Page Left Intentionally Blank]

#### **EPA Detailed Comments**

Administrative Draft Environmental Assessment June 2022 – Central Business District Tolling
Program (CBDTP), New York, NY (Project)
7/13/2022

#### **General Comments**

EPA provided several comments on the prior ADEA that have not yet been sufficiently addressed in the current document.

- Consistent with our previous comments, the ADEA does not provide a clear connection between the facts presented in the document and the conclusions drawn by the agency.
  - o For example, the ADEA references potential adverse effects along some highway segments, however the main conclusions drawn in Subchapter 4B indicates that the Project would not have an adverse effect on traffic due to offsetting reductions in vehicular traffic within the CBD and regionally. While EPA understands the widespread congestion benefits, the conclusion reached is not consistent with the data that demonstrate increased congestion and travel times in certain regions.
- As presented, selection of the class of action pursued is based on the evaluation of impacts in the local study area encompassing the Manhattan CBD as well as the locations where tolling infrastructure will be installed. However, the ADEA considers the potential for impacts in a wider regional study area consisting of 28 counties.
  - In order to better inform the public, EPA recommends that the ADEA thoroughly
    outline the public review process and provide the rationale for the selected class of
    action.
  - The Council on Environmental Quality's (CEQ) NEPA regulations state that effects "...may include indirect effects that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." (40 CFR § 1508.1(g)).
    - EPA recommends that FHWA consider all effects of the proposed action on the population in the overall geographic study area, including those outside of the CBD.
- The ADEA is currently formatted in a manner that may preclude meaningful public engagement.
  - EPA suggests the document be shared as one file rather than one file per chapter to make it easier for the public and cooperating agencies to cross-reference the document.
  - We encourage direct links that can be used when referencing different sections, tables, and other diagrams for more clarity.
  - EPA acknowledges that FHWA has included a robust Executive Summary that incorporates a discussion of the project need to reduce vehicle congestion, outlines the preferred alternative, and includes a summary of effects table.
  - We encourage the project sponsors to include specific mitigation measures for each possible tolling scenario to address the impacts identified in the ADEA.

# **Alternatives Analysis**

In our previous comment letter, EPA identified concerns pertaining to the alternatives analysis and ultimate selection of alternatives considered throughout the ADEA. Some of these points remain outstanding and revisions in the document should be considered:

- EPA continues to recommend utilization of a weighted screening analysis to analyze alternatives in a way that allows for prioritization of objectives. If the primary need of the Project is to reduce congestion in the CBD, Objectives 1 & 2 should be weighted much higher than Objective 3 & 4, which are listed as a secondary need for the Project implementation.
- The ADEA considers Tolling Scenario B, which does not meet Objective 3 utilized in the alternatives screening criteria. Given the inclusion of an alternative that admittedly does not meet all objectives, it is unclear why other non-tolling alternatives were similarly not carried forward.
- EPA requests more information on why Alternative T-2 was not carried forward for consideration as a viable alternative that could reduce congestion and could raise sufficient funding.
  - o Note 4 directly contradicts Table 2-2 under Objective 3.
- EPA recommends the ADEA explore combinations of the alternatives shown in Table 2-2 that collectively could achieve the objectives and meet the Project's purpose and need.

# **Congestion Relief**

Several of EPA's comments related to congestion relief, conclusions drawn on traffic and congestion reduction have not been addressed in the ADEA.

- EPA acknowledges the modifications made in the ADEA which provide clarification and justification on the selection of intersections and highway segments considered for traffic and air quality analyses.
- EPA reiterates our previous suggestion that the ADEA discuss environmental and public health benefits (air quality, safety, etc.) associated with reducing congestion. Such benefits are only cursorily mentioned throughout the ADEA.
  - Reducing congestion is one mechanism to improve air quality. Improvements in air quality standards should have been quantified and presented.
  - o In addition, under NEPA, health impacts associated with the Project should be disclosed in the ADEA. The health impacts review should extend beyond compliance with state and federal regulations (See Environmental Justice comments below).
- While there are traffic improvements demonstrated in the Manhattan CBD, most of the wider regional area shows insignificant reductions in vehicle miles traveled (VMT) (less than the 5% reduction used as the threshold for meaningful reduction in the screening criteria). This includes many of the environmental justice census tracts outside of the Manhattan CBD and the wider regional study area.
- EPA recommends the following additional information be provided to better inform the effects determinations:
  - o While over 68% of intersections in EJ communities would see a decrease of heavy-duty vehicles, it is not clear what happens at the remaining 32% of intersections.
  - o Clarification should be provided regarding how traffic and congestion would increase or decrease in these 32% of the intersections evaluated in EJ communities.

- EPA believes the analysis, explanation of findings and determination of impacts associated with traffic diversions from the CBD (for example on the Cross Bronx Expressway) should be improved.
  - In cases where adverse impacts are identified, mitigation must be considered.
  - While Chapter 4A summarizes daily VMT and truck volume changes, there is no statement in the ADEA on whether these constitute adverse impacts.
- EPA recommends more clearly defined mitigation measures such as increased postimplementation traffic monitoring beyond the four intersections identified to ensure any potential unanticipated adverse traffic effects are addressed.

# **Socioeconomic Impacts**

In our previous comment letter, EPA amplified comments from public meetings that took place in 2021. Many of these comments have not been addressed in the ADEA, and are being included again to be resolved:

- The ADEA should evaluate and address potential disproportionate impacts on lower income residents:
  - Evaluate the environmental impact of personal mobility devices (i.e., scooters/motorcycles) given that many owners are low-income.
  - Will the proposed action have an impact on school options due to the prohibitive cost of accessibility to schools for residents of the CBD? (i.e., school buses, carpooling, etc.)
- Traffic will be displaced into other areas of the city, including FDR Drive and roads throughout Upper Manhattan. Parking will be displaced to Upper Manhattan and cause significant deterioration in traffic patterns and air quality there.
  - EPA requests the Lead Agency to clearly discuss factors incorporated in the decision to exempt FDR Drive.
  - Traffic diversion will result in continued air pollution in many residential neighborhoods along the East River including in communities with environmental justice concerns. Projected benefits are not expected to offset these impacts.
- EPA acknowledges and appreciates that FHWA and MTA will conduct more public workshops about the Project during the public comment period.
- EPA encourages FHWA to consult with another federal agency with expertise in socioeconomic impacts of tolling to conduct a more thorough review.

## **Environmental Justice (EJ) and Impacted Communities**

Based on our current review of the ADEA, EPA continues to have concerns related to the consideration of impacts on communities with EJ concerns.

The Council on Environmental Quality, which oversees implementation of the National Environmental Policy Act, has promulgated a guidance document to assist agencies in implementing environmental justice principles (See <u>Environmental Justice Guidance under the National Environmental Policy Act</u>, Council on Environmental Quality, December 10, 1997).

Communities with EJ concerns are often composed of people of color, low-income/poor, rural, immigrant/refugee and indigenous populations who live in areas disproportionately burdened by environmental hazards and stressors, unhealthy land uses, psychosocial stressors, and historical traumas, all of which drive environmental health disparities.

- EPA recommends FHWA consider forming a Community Advisory Committee that would meet regularly with project sponsors and participating agencies to discuss mitigation strategies that address EJ impacts and augment benefits of the preferred alternative on EJ communities.
- According to the ADEA, the proposed action is generally deemed to produce no adverse effects in areas with EJ concerns, except for taxi and for-hire vehicle (FHV) drivers and minority and low-income drivers who currently drive to the Manhattan CBD and do not have alternative transportation modes available.
- EPA recommends FHWA and project sponsors offer more clarity on how this impact will be mitigated to manage both taxi and for-hire vehicle access to the CBD.
  - O The ADEA discusses proposed mitigation that "...[Triborough Bridge and Tunnel Authority] would develop and implement an Employment Resource Coordination Program to connect drivers experiencing employment insecurity with a direct pathway to licensing, training, and job placement with MTA or its affiliated vendors at no cost to the driver. (Chapter 17.8.4, p. 17-54).
    - FHWA should continue to explore ways to mitigate impacts that provide drivers with other options to address employment insecurity.
- The general finding of no adverse effects related to other resource areas seems to contradict sections of the ADEA that mention the potential of adverse effects and mitigation measures.
  - o For example, with respect to adverse traffic impacts, the ADEA states adverse effects could be avoided or minimized through implementation of measures such as signal-timing adjustments, lane management, motorist information, and signage.
  - While the ADEA commits to post-implementation monitoring of traffic patterns, EPA recommends FHWA consider deploying all practicable reductions and mitigation measures to address traffic-related impacts to air quality in areas of EJ concern.

Air Quality effects on communities with EJ concerns:

- The ADEA indicates no adverse air quality impacts associated with the proposed alternative, however, the mesoscale analysis shows that some regions will experience higher pollution burden associated with the Project. The extent of projected changes in criteria pollutants and mobile source air toxics (MSATs) varies by county with some regions experiencing reductions and others showing increases of an equal magnitude (Figures 10-1 through 10-13). Benefits in the form of reductions in pollutants in one area do not negate the potential increases (in some cases of similar magnitude) in other regions.
  - "The Bronx, Richmond (Staten Island), Nassau, and Bergen Counties show increases in all pollutants with the Project in 2023...Richmond (Staten Island) and Bergen Counties show increases in all pollutants with the Project in 2045...The Bronx, Richmond (Staten Island), Nassau, Putnam, and Bergen Counties show increases in all MSATs with the Project in 2023...Richmond (Staten Island) and Bergen Counties show increases in all MSATs with the Project in 2045." (p. 10-37 10-38).
- EPA continues to urge the project sponsors to acknowledge that National Ambient Air Quality Standards (NAAQS) attainment alone does not equate to no potential impacts and localized harm to human health and the environment.
  - o Project level conformity ensures that the Project will not cause or contribute to a violation or delay timely attainment of the NAAQS.
  - While modeling results demonstrate project-level conformity at the three intersections agreed upon by the NYS Interagency Consultation Group for Air Quality Conformity, EPA notes above that there may still be localized impacts associated with the Project, especially with respect to particulate matter less than 2.5 microns (PM<sub>2.5</sub>) and particulate matter less than 10 microns (PM<sub>10</sub>).
  - EPA believes the ADEA should more thoroughly assess these projected emission increases and potential implications to public health and the community.

Several adverse health outcomes such as cardiovascular disease and respiratory impacts have been associated with short- and long-term exposure to  $PM_{2.5}^{-1}$ .

Noise and vibration effects on communities with EJ concerns:

- No anticipated adverse noise effects were reported for evaluated areas. Projected noise level increases are below the City Environmental Quality Review (CEQR) Technical Manual threshold of three decibels, which represents the doubling of traffic passenger car equivalent volume from the No Action Alternative condition.
  - O However, noise level increases occurring adjacent to the Queens-Midtown Tunnel were projected to range from 2.7 to 2.9 decibels, which is close to the CEQR threshold.
- Noise pollution has been directly linked to health effects that might disproportionately impact EJ populations. Problems related to noise include stress-related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity (EPA's Noise Effects Handbook, 1991).
- Additional analysis post-implementation might be beneficial to obtain more accurate measures of noise level increase and potential adverse effects on communities with EJ concerns.

<sup>&</sup>lt;sup>1</sup> WHO Regional Office for Europe. Review of evidence on health aspects of air pollution – REVIHAAP Project: Technical Report (2013). Available from: https://www.ncbi.nlm.nih.gov/books/NBK361806/

Linguistic Isolation within impacted communities:

- EPA recommends that translation or live interpretation services be made available in languages other than English to engage linguistically isolated populations. This must not be restricted to live interpretation request process prior to the meeting.
- We recommend the project sponsors consider providing a local repository for the public to
  access all Project documents in all languages consistent with the criteria of the <u>Limited</u>
  English Proficiency to comply with the Civil Rights Act.

## Other EJ Considerations

- Communities with EJ concerns also bear the disproportionate burden of other environmental and psychosocial stressors that drive disparities. The ADEA would benefit from a baseline description of current existing stressors within these communities to better assess cumulative effects.
  - EPA recommends that FHWA consider the existing pollution burden within communities with EJ concerns when considering whether the Project would contribute to, either directly or indirectly, inequitable, or disproportionate impacts on the communities.
  - As mentioned above, asthma rates, air pollution exposure, and lead-based paint exposure might be higher in these communities.
  - Refer to EPA's <u>EJ Screen 2.0</u> tool to access information on twelve different EJ Indices that combine indicators with demographic data to characterize potential areas with EJ concerns.

### **Mitigation Measures**

While the ADEA identifies many potential effects, in EPA's cursory review does not believe they have all been addressed. EPA reiterates the need for additional mitigation measures to reduce potential impacts to affected communities, particularly given the potential adverse impacts to traffic and increased cumulative burdens experienced by low-income populations and communities of color. We present several recommendations for consideration below:

- EPA acknowledges that the approved tolling structure will be determined at a later date. Given the uncertainty in the ultimate selected scenario EPA requests that specific mitigation measures be identified and committed to for all possible tolling scenarios identified in the ADEA to allow for thorough public comment on each potential scenario.
- Post-implementation traffic monitoring should be expanded beyond the scope of the four intersections identified and should specify planned measures to address any discovered adverse impacts (beyond signal timing adjustments).
- To ensure that there are no adverse impacts to communities, EPA recommends FHWA consider post-implementation air quality monitoring (for example in regions already experiencing pollution burdens and where potential increases in pollutants were identified based on modeling efforts, as well as in proximity to sensitive receptors). This monitoring could help determine if further mitigation measures should be added.

[End of EPA Comments]



New York Division

July 19, 2022

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HPM-NY

Mark Eberle, Resource Planning Specialist
External Review Coordinator
National Park Service, Interior Region 1,
North Atlantic-Appalachian
1234 Market Street, 20th FL, Philadelphia, PA 19107

#### SENT BY E-MAIL

Dear Mr. Eberle:

Transportation Authority (MTA) - the New York State Department of Transportation (NYSDOT), and the New York City Department of Transportation (NYCDOT) (collectively the Project Sponsors) are undertaking a Project to implement a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York. The Project Sponsors are seeking approval from the Federal Highway Administration (FHWA), the Federal lead agency, under its Value Pricing Pilot Program (VPPP) to initiate this variable tolling program. The approval is sought because certain streets within the Manhattan CBD are part of the National Highway System and, in some instances, have been improved with Federal funding through FHWA. On March 30, 2021, FHWA advised the Project Sponsors that they may prepare an Environmental Assessment to meet the requirements of the National Environmental Policy Act (NEPA).

The project sponsors prepared an Environment Assessment and are making it available for public review from August 10 through September 9, 2022. In addition, the project sponsors will conduct six public hearings between August 25 and September 9, 2022.

To help facilitate your agency's review of the Environmental Assessment, the project sponsors invite your agency to participate in a meeting that will include a project overview, description of purpose and need, review of environmental analyses, and project schedule. This meeting will be held on:

Monday, August 1, 2022 9:00-11:00 am

Please accept or decline our invitation to attend the agency meeting by emailing **Anna Price** at <a href="mailto:anna.price@dot.gov">anna.price@dot.gov</a> no later than **July 29<sup>th</sup>**, indicating who will be representing your agency at the meeting. This will be a virtual meeting.

We look forward to your participation for this important transportation project and appreciate your agency's involvement. For more information on this project, please visit the website at <a href="NYC">NYC</a>
<a href="Central Business District Tolling Program (mta.info).</a>

Please do not hesitate to contact us with any questions or comments on the CBD Tolling Program.

Sincerely,

RICHARD

JOSEPH

MARQUIS

Digitally signed by RICHARD JOSEPH

MARQUIS

Date: 2022.07.19
08:46:29-04'00'

Richard J. Marquis
Division Administrator

Federal Highway Administration, NY Division

cc: Allison C. de Cerreño, Metropolitan Transportation Authority Nicolas A. Choubah, New York State Department of Transportation William Carry, New York City Department of Transportation



New York Division

July 19, 2022

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HPM-NY

Kathy Schlegel National Park Service Interior Region 1, North Atlantic-Appalachian 1234 Market Street, 20th Floor Philadelphia, PA 19107

#### SENT BY E-MAIL

Dear Ms. Schlegel:

Transportation Authority (MTA) - the New York State Department of Transportation (NYSDOT), and the New York City Department of Transportation (NYCDOT) (collectively the Project Sponsors) are undertaking a Project to implement a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York. The Project Sponsors are seeking approval from the Federal Highway Administration (FHWA), the Federal lead agency, under its Value Pricing Pilot Program (VPPP) to initiate this variable tolling program. The approval is sought because certain streets within the Manhattan CBD are part of the National Highway System and, in some instances, have been improved with Federal funding through FHWA. On March 30, 2021, FHWA advised the Project Sponsors that they may prepare an Environmental Assessment to meet the requirements of the National Environmental Policy Act (NEPA).

The project sponsors prepared an Environment Assessment and are making it available for public review from August 10 through September 9, 2022. In addition, the project sponsors will conduct six public hearings between August 25 and September 9, 2022.

To help facilitate your agency's review of the Environmental Assessment, the project sponsors invite your agency to participate in a meeting that will include a project overview, description of purpose and need, review of environmental analyses, and project schedule. This meeting will be held on:

Monday, August 1, 2022 9:00-11:00 am

Please accept or decline our invitation to attend the agency meeting by emailing **Anna Price** at <a href="mailto:anna.price@dot.gov">anna.price@dot.gov</a> no later than **July 29<sup>th</sup>**, indicating who will be representing your agency at the meeting. This will be a virtual meeting.

We look forward to your participation for this important transportation project and appreciate your agency's involvement. For more information on this project, please visit the website at <a href="NYC">NYC</a>
Central Business District Tolling Program (mta.info).

Please do not hesitate to contact us with any questions or comments on the CBD Tolling Program.

Sincerely,

RICHARD JOSEPH MARQUIS Digitally signed by RICHARD JOSEPH MARQUIS Date: 2022.07.19 08:47:12

-04'00'

Richard J. Marquis Division Administrator

Federal Highway Administration, NY Division

cc: Allison C. de Cerreño, Metropolitan Transportation Authority Nicolas A. Choubah, New York State Department of Transportation William Carry, New York City Department of Transportation



**New York Division** 

July 19, 2022

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HPM-NY

Beth Cumming, Coordinator Consultation Unit New York State Office of Parks, Recreation and Historic Preservation 625 Broadway Albany, NY 12207

#### SENT BY E-MAIL

Dear Ms. Cumming:

Transportation Authority (MTA) - the New York State Department of Transportation (NYSDOT), and the New York City Department of Transportation (NYCDOT) (collectively the Project Sponsors) are undertaking a Project to implement a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York. The Project Sponsors are seeking approval from the Federal Highway Administration (FHWA), the Federal lead agency, under its Value Pricing Pilot Program (VPPP) to initiate this variable tolling program. The approval is sought because certain streets within the Manhattan CBD are part of the National Highway System and, in some instances, have been improved with Federal funding through FHWA. On March 30, 2021, FHWA advised the Project Sponsors that they may prepare an Environmental Assessment to meet the requirements of the National Environmental Policy Act (NEPA).

The project sponsors prepared an Environment Assessment and are making it available for public review from August 10 through September 9, 2022. In addition, the project sponsors will conduct six public hearings between August 25 and September 9, 2022.

To help facilitate your agency's review of the Environmental Assessment, the project sponsors invite your agency to participate in a meeting that will include a project overview, description of purpose and need, review of environmental analyses, and project schedule. This meeting will be held on:

Monday, August 1, 2022 9:00-11:00 am

Please accept or decline our invitation to attend the agency meeting by emailing **Anna Price** at <a href="mailto:anna.price@dot.gov">anna.price@dot.gov</a> no later than **July 29<sup>th</sup>**, indicating who will be representing your agency at the meeting. This will be a virtual meeting.

We look forward to your participation for this important transportation project and appreciate your agency's involvement. For more information on this project, please visit the website at <a href="NYC">NYC</a>
<a href="Central Business District Tolling Program (mta.info).</a>

Please do not hesitate to contact us with any questions or comments on the CBD Tolling Program.

Sincerely,

RICHARD
JOSEPH
MARQUIS
MARQUIS
Date: 2022.07.19
08:47:45 -04'00'

Richard J. Marquis Division Administrator Federal Highway Administration, NY Division

cc: Allison C. de Cerreño, Metropolitan Transportation Authority Nicolas A. Choubah, New York State Department of Transportation William Carry, New York City Department of Transportation



**New York Division** 

July 19, 2022

Leo W. O'Brien Federal Building 11A Clinton Avenue, Suite 719 Albany, NY 12207 518-431-4127 Fax: 518-431-4121 NewYork.FHWA@dot.gov

> In Reply Refer To: HPM-NY

Nancy Herter, Director, Technical Preservation Bureau NYS Office of Parks, Recreation and Historic Preservation 625 Broadway, Albany, NY 12207

#### SENT BY E-MAIL

Dear Ms. Herter:

Transportation Authority (MTA) - the New York State Department of Transportation (NYSDOT), and the New York City Department of Transportation (NYCDOT) (collectively the Project Sponsors) are undertaking a Project to implement a program of variable tolls for vehicles entering or remaining in the Manhattan Central Business District (CBD) in New York, New York. The Project Sponsors are seeking approval from the Federal Highway Administration (FHWA), the Federal lead agency, under its Value Pricing Pilot Program (VPPP) to initiate this variable tolling program. The approval is sought because certain streets within the Manhattan CBD are part of the National Highway System and, in some instances, have been improved with Federal funding through FHWA. On March 30, 2021, FHWA advised the Project Sponsors that they may prepare an Environmental Assessment to meet the requirements of the National Environmental Policy Act (NEPA).

The project sponsors prepared an Environment Assessment and are making it available for public review from August 10 through September 9, 2022. In addition, the project sponsors will conduct six public hearings between August 25 and September 9, 2022.

To help facilitate your agency's review of the Environmental Assessment, the project sponsors invite your agency to participate in a meeting that will include a project overview, description of purpose and need, review of environmental analyses, and project schedule. This meeting will be held on:

Monday, August 1, 2022 9:00-11:00 am

Please accept or decline our invitation to attend the agency meeting by emailing **Anna Price** at <a href="mailto:anna.price@dot.gov">anna.price@dot.gov</a> no later than **July 29<sup>th</sup>**, indicating who will be representing your agency at the meeting. This will be a virtual meeting.

We look forward to your participation for this important transportation project and appreciate your agency's involvement. For more information on this project, please visit the website at <a href="NYC">NYC</a>
Central Business District Tolling Program (mta.info).

Please do not hesitate to contact us with any questions or comments on the CBD Tolling Program.

Sincerely,

RICHARD Digitally signed by RICHARD JOSEPH MARQUIS

MARQUIS Date: 2022.07.19
08:48:17 -04'00'

Richard J. Marquis Division Administrator

Federal Highway Administration, NY Division

cc: Allison C. de Cerreño, Metropolitan Transportation Authority Nicolas A. Choubah, New York State Department of Transportation William Carry, New York City Department of Transportation

# Central Business District Tolling Program

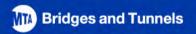
Environmental Assessment – Public Hearings August 25 – August 31, 2022



mta.info/CBDTP









## What is the Central Business District (CBD) Tolling Program?

A vehicular tolling program to reduce traffic congestion in the Manhattan CBD

As defined in the New York State MTA Reform and Traffic Mobility Act, vehicles would be charged a daily toll for entering or remaining in the Manhattan CBD, which is on and below 60<sup>th</sup> Street in Manhattan, excluding:

- The Franklin D. Roosevelt (FDR) Drive and the West Side Highway/Route 9A
- The Battery Park Underpass and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West Street (the West Side Highway/Route 9A)

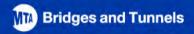
After covering Project-related capital and operating expenses, revenue collected would fund projects in the MTA 2020-2024 Capital Program and successor capital programs.



Map of Manhattan's Central Business District Tolling Program Area









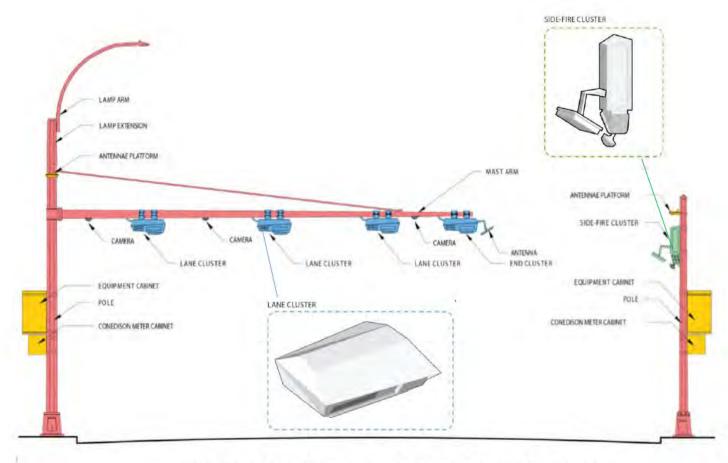
# How would the Manhattan CBD Tolling Program work?

#### Locations for Infrastructure

- Detection points would be placed at entrances and exits to the Manhattan CBD
- On the avenues, tolling infrastructure would generally be between 60<sup>th</sup> and 61<sup>st</sup> Streets.
- An algorithm would be used so those who stay on excluded roadways are not tolled.

#### **How Customers Would Pay**

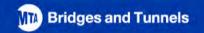
- F-7Pass
- · Tolls by Mail
- · Future Third-Party Provider



Proposed Tolling Infrastructure and Tolling System Equipment









#### What would the benefits be?



Reduced vehicular traffic in and near the Manhattan CBD



Improved travel times within the Manhattan CBD, including for buses and deliveries

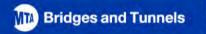


New source of local, recurring capital funding for subway, trains, and buses











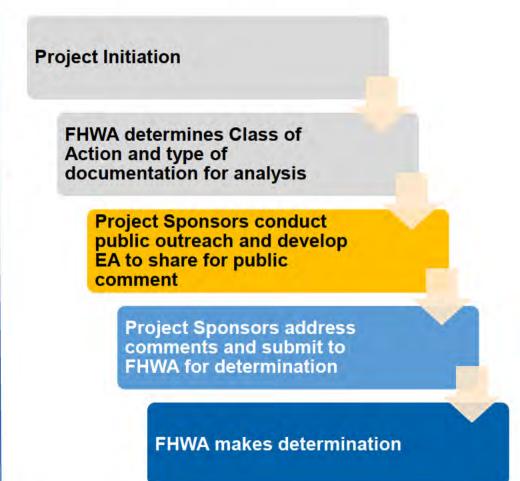
# Why is an Environmental Assessment (EA) needed for this Project?

Some roadways in the Manhattan CBD have received federal funds, so approval for tolling is needed from the Federal Highway Administration (FHWA).

The National Environmental Policy Act (NEPA) requires that when the significance of the effects is unknown, Federal agencies evaluate the significance of environmental effects of an action, in this case, the approval to toll.

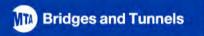
As Federal Lead Agency, FHWA determined that an EA is the appropriate Class of Action for this project.

Since the Project could have effects on Environmental Justice populations, FHWA and the Project Sponsors incorporated enhanced public outreach and coordination with Federal and State resource agencies.











# Project Purpose, Need, Objectives

#### **Purpose**

To reduce traffic congestion in the Manhattan CBD in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into FHWA's Value Pricing Pilot Program (VPPP)

#### Need

- To reduce vehicle congestion in the Manhattan CBD
- To create a new local, recurring funding source for MTA's Capital Projects

### **Objectives**

- Reduce daily vehicle-miles traveled (VMT) within the Manhattan CBD by at least 5 percent
- Reduce the number of vehicles entering the Manhattan CBD daily by at least 10 percent
- Create a funding source for capital improvements and generate sufficient annual net revenues to fund \$15 billion for capital projects for the MTA Capital Program
- Establish a tolling program consistent with the purposes underlying the New York State legislation entitled the MTA Reform and Traffic Mobility Act









# Why toll the Manhattan Central Business District (CBD)?

#### Congestion in NYC consistently ranks among the worst in the United States

- Congestion costs 102 hours of lost time, equating to \$1,595 per year per driver in delay.
- Between 2010 and 2019, travel speeds fell 22% in Manhattan's CBD.
- Local bus speeds have declined 28% in the Manhattan CBD since 2010.
- The average speed of Select Bus Service (NYC's bus rapid transit service) routes in the Manhattan CBD is 19% slower than in the outer boroughs.

#### MTA's subway, rail, and bus systems must be repaired and modernized

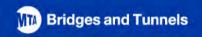
Funding from the Project would support the 2020-2024 Capital Program (and successor programs) that prioritizes:

- Investing to improve reliability
- Committing to environmental sustainability
- Building an accessible transit system for all New Yorkers
- Easing congestion and creating growth
- Improving safety and customer service through technology

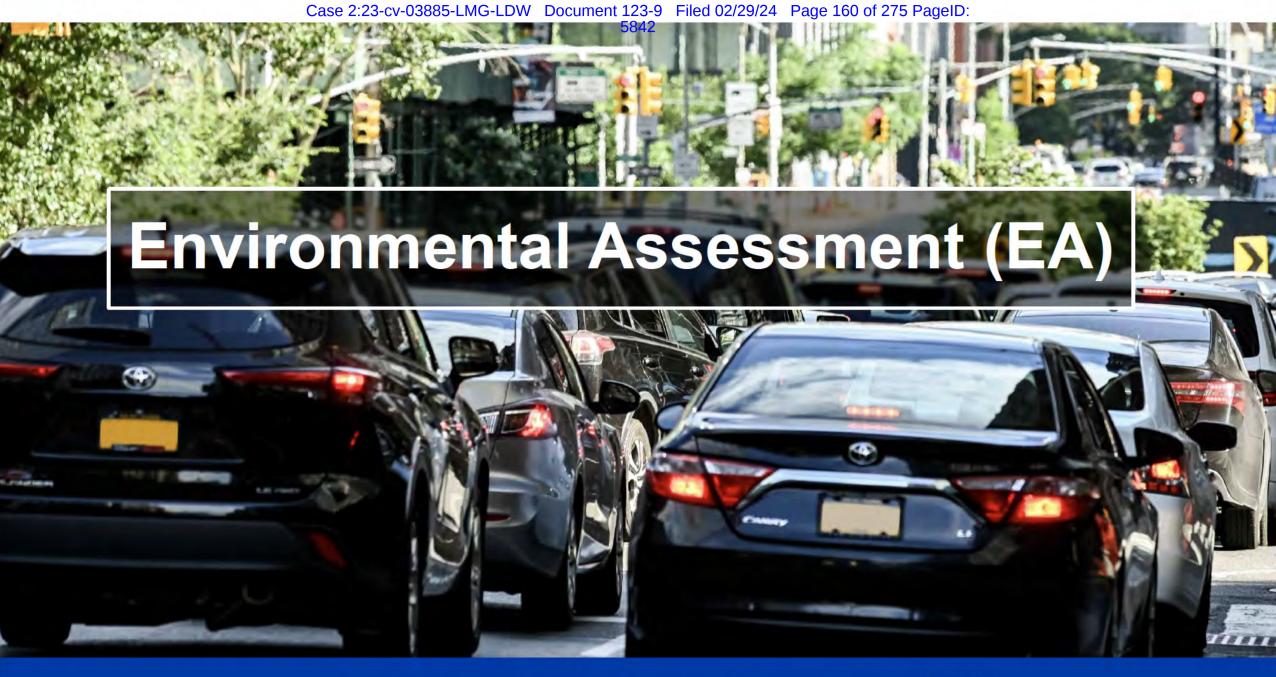




















# Project Alternatives Evaluated in EA

#### **No Action Alternative**

- No program to toll vehicles in the Manhattan CBD
- No comprehensive plan to reduce Manhattan CBD congestion
- No annual, recurring funding for MTA capital programs

#### **CBD Tolling "Action" Alternative**

- Implement a tolling program, consistent with the Mobility Act, to toll vehicles entering or remaining in the Manhattan CBD
- Install tolling infrastructure, tolling system equipment, and signage within and near the Manhattan CBD
- Generate funds for MTA capital investments in subways, buses, and commuter railroads







# **Key Topics of the Environmental Assessment**

#### Areas with Only Beneficial or No Adverse Effects

#### **Areas with Potential Adverse Effects**

Transportation: Regional Transportation (4A)

Transportation: Parking (4D)

Social Conditions: Population (5A)

Social Conditions: Neighborhood Character (5B)

Social Conditions: Public Policy (5C)

Economic Conditions (6)

Parks and Recreational Resources (7)

Historical and Cultural Resources (8)

Visual Resources (9)

Air Quality (10)

Energy (11)

Noise (12)

Natural Resources (13)

Hazardous Waste/Contaminated Materials (14)

Construction Effects (15)

Transportation: Highways and Intersections (4B)

Transportation: Transit (4C)

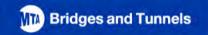
Transportation: Pedestrians and Bicycles (4E)

Environmental Justice (17)

(#) – denotes chapter in EA where this information can be found







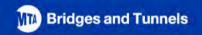


# **CBD Tolling Alternative - Tolling Scenarios**

	Scenario Sce									
	Α	В	С	D	E	F	G			
	Base Plan	Base Plan with Caps and Exemptions	Low Crossing Credits for Vehicles Using Tunnels to Access the CBD, with Some Caps and Exemptions	Credits for Vehicles Using Tunnels to	High Crossing Credits for Vehicles Using Tunnels to Access the CBD, with Some Caps and Exemptions	and Tunnels to	Base Plan with Same Tolls for Al			
Potential Crossing Credits										
Credit Toward CBD Toll for Tolls Paid at the Queens-Midtown, H.L. Carey, Lincoln, Holland Tunnels	No	No	Yes	Yes	Yes	Yes	No			
Credit Toward CBD Toll for Tolls Paid at the R. F. Kennedy, Henry Hudson, G. Washington Bridges	No	No	No	No	No	Yes	No			
Potential Exemptions and Discour	its (Caps) on	Number of T	olls per Day							
Autos, motorcycles, and commercial vans	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day	Once per day			
Taxis	No cap	Once per day	Exempt	No cap	Exempt	Once per day	No cap			
FHVs	No cap	Once per day	Three times per day	No cap	Three times per day	Once per day	No cap			
Small and large trucks	No cap	Twice per day	No cap	No cap	No cap	Once per day	No cap			
Buses	No cap	Exempt	No cap	No cap	Only transit buses exempt	Exempt	No cap			
Approximate Toll Rate Assumed (A	Autos / Small	Trucks / Larg	ge Trucks)							
Peak Period	\$9 / \$18 / \$28	\$10 / \$20 / \$30	\$14 / \$28 / \$42	\$19 / \$38 / \$57	\$23 / \$46 / \$69	\$23 / \$65 / \$82	\$12			
Off Peak Period	\$7 / \$14 / \$21	\$8 / \$15 / \$23	\$11 / \$21 / \$32	\$14 / \$29 / \$43	\$17 / \$35 / \$52	\$17 / \$49 / \$62	\$9			
Overnight Period	\$5/\$9/\$14	\$5/\$10/\$15	\$7 / \$14 / \$21	\$10/\$19/\$29	\$12 / \$23 / \$35	\$12 / \$33 / \$41	\$7			









# **CBD Tolling Alternative – Key Takeaways**

Tolling the Manhattan CBD



Reduced traffic entering Manhattan CBD Net benefit in congestion reduction for the region

Discounts, crossing credits, exemptions



Higher toll rates

**Higher toll rates** 



Greater degree of traffic reduction in Manhattan CBD, BUT Increased traffic diversions, including increases along the Cross Bronx Expressway and Staten Island Expressway

**Crossing credits** 

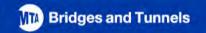


More parity in total costs among different routes, **BUT** Changes the balance of effects on traffic

- Less effect reducing traffic from Queens; much less effect reducing traffic from New Jersey
- Greater effect reducing traffic from north of 60th Street and Brooklyn
- More traffic at the Queens-Midtown Tunnel, the Hugh L. Carey Tunnel, and the Long Island Expressway

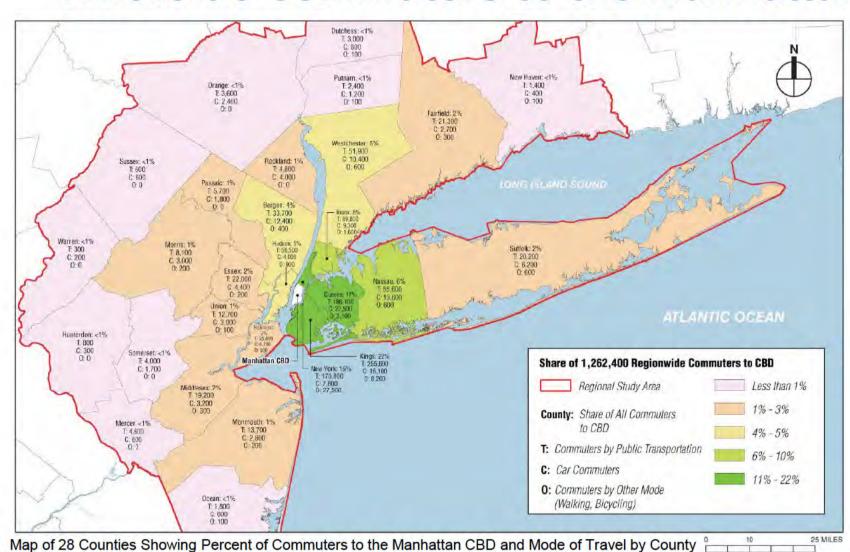








### Where do commuters to the Manhattan CBD come from?



#### **Work Trips**

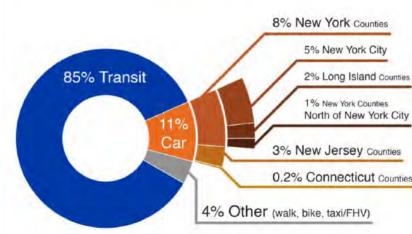


Figure Showing Percent of Work Trips to the Manhattan CBD by Mode of Travel and Trip Origin









# **Transportation: Regional Effects**



## **Key Findings**

#### All tolling scenarios

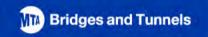
- Reduce the number of vehicle entries into the Manhattan CBD
- Reduce vehicle-miles traveled (VMT) in the Manhattan CBD

Area	% Increase or Decrease in Vehicles Entering			
Manhattan CBD	-19.9% to -15.4%			

Area	% Increase or Decrease in Daily VMT			
Manhattan CBD	-9.2% to -7.1%			
NYC	-1.5% to -0.7%			
New York north of NYC	-0.8% to -0.2%			
Long Island	-0.2% to 0.1%			
New Jersey	0.0% to 0.2%			
Connecticut	-0.2% to 0.0%			









# **Transportation: Highways**

# **Beneficial Effects**



## **Key Findings**

Some locations would experience a decrease in congestion.

Three highway segments would experience adverse effects in the form of increased delays:

- Westbound LIE (I-495) near the Queens-Midtown Tunnel (midday);
- Approaches to westbound George Washington Bridge on I-95 (midday);
- Southbound/northbound FDR Drive between E 10th Street and Brooklyn Bridge (PM).

#### **Mitigation**

Project Sponsors will implement a monitoring plan, prior to the Project beginning, that identifies thresholds for adverse effects; if thresholds are reached as a result of the Project, the Project Sponsors will institute Transportation Demand Management (TDM) measures, such as ramp metering, motorist information, and/or signage, at identified highway locations with adverse effects.

Post-implementation, the Project Sponsors will monitor effects and, if needed, Triborough Bridge and Tunnel Authority (TBTA) will modify the toll rates, crossing credits, exemptions, and/or discounts to reduce adverse effects.







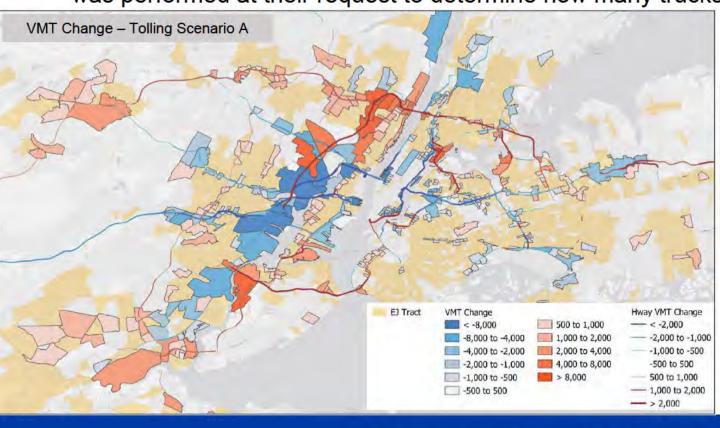


### **Truck Traffic**

# Response to Outreach

#### **Key Findings**

VMT increases would occur on the Cross Bronx Expressway as a result of traffic diversions. While there would be no adverse effect related to air quality, members of EJ communities raised concern, and additional analysis was performed at their request to determine how many trucks were responsible for the projected increase.

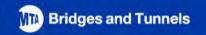


Incr	Increased Daily Number of Trucks						
Location	Α	В	C	D	E	F	G
Cross Bronx Expressway at Macombs Rd	509	704	170	510	378	536	50

In response to concerns raised during public outreach, Tolling Scenario G was added to the original 6 scenarios. By charging all vehicles the same toll rate as cars, instead of charging trucks more, diversions would be reduced along with the relative incremental number of trucks.









# **Transportation: Local Intersections**





### **Key Findings**

Most intersections – would experience decreases in delay

Tolling Scenarios D/E/F – 4 out of 102 intersections would experience adverse effects in the form of increased delay at certain times

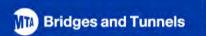
#### Mitigation

Project Sponsors will monitor those intersections where adverse effects are identified and implement appropriate signal timing adjustments to mitigate the effect, per NYCDOT's normal practice.

Changes in Intersection Delays (Tolling Scenarios D/E/F After Signal Timing Adjustments (seconds)					
Location	EJ	AM	MD	PM	
Trinity Place & Edgar Street	No	0.6	7.7	1.1	
E 37th St & 3rd Ave	No	0.7	5.1	1.3	
E 36th St & 2nd Ave	No	-4.7	3.6	3.4	
125th Street & 2nd Avenue	Yes	2.9	0.9	11.2	









# **Transportation: Transit**

# Beneficial Effects



#### **Key Findings**

Reduced roadway congestion would result in reliable, faster bus trips

Increase in transit ridership of 1%-2% systemwide for travel to and from the Manhattan CBD

No adverse effects from increased ridership on any lines or transit stations, but in some scenarios increased ridership could adversely affect passenger flows at certain stairs and escalators

#### **Mitigation**

**Tolling Scenarios E/F.** TBTA will coordinate with NJ Transit (NJT) and Port Authority of NY & NJ (PANYNJ) to implement monitoring plan with thresholds for pedestrian volumes on Station Stair 01/02 in Hoboken Terminal; if thresholds reached, TBTA will coordinate with NJT and PANYNJ to implement signage and wayfinding

All Tolling Scenarios. TBTA will coordinate with MTA NY City Transit (NYCT) to implement monitoring plan with thresholds:

- 42nd St & Times Square, stair ML6/ML8 if threshold is reached, center handrail will be removed and riser adjusted
- Union Square Subway Station, escalator E219 and Flushing & Main St Subway Station, escalator E456 if threshold is reached, increase escalator speeds from 100 fpm to 120 fpm
- Court Square, stair P2/P4 if threshold is reached, construct new stair to increase capacity









# **Transportation: Pedestrians and Bicycles Key Findings**



Increases in passengers at transit hubs, but no adverse effects

Some increases in bicycle trips overall and near transit hubs, but no adverse effect

Outside the Manhattan CBD, increased transit usage at individual stations would not adversely affect pedestrian conditions on nearby sidewalks, crosswalks, or corners

In Manhattan CBD, 2 crosswalks/1 sidewalk adversely affected

#### Mitigation

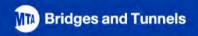
Project Sponsors will implement monitoring plan with threshold for action; if the threshold is reached, pedestrian space will be increased, and obstructions will be removed or relocated



Figure Showing Adverse Effects at Crosswalk and Sidewalk Locations









# Parking & Social Conditions: Population Characteristics & Neighborhood Character





#### **Key Findings - Social Conditions**

Improvements in travel time and safety; reduced vehicle operating costs; reduced emissions

No adverse effects on:

- Neighborhood character or access, given existing transit network and minimal trip changes
- Travel to employment within the Manhattan CBD and reverse-commuting from the Manhattan CBD
- Traffic patterns on local streets
- Community facilities and services

#### **Key Findings - Parking**

Reduction in parking demand within the Manhattan CBD

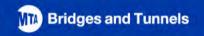
Increased parking demand at subway and commuter rail stations and park-and-ride facilities outside Manhattan CBD

Increase at any individual location would not be large enough to result in adverse effects from the Project











#### **Economic Conditions**

## **Key Findings**

Increased productivity, as well as safety improvements

No adverse effects to any particular industry or occupational category in the Manhattan CBD

Depending on tolling scenario, the toll could reduce taxi and For-Hire Vehicle (FHV) revenues in the Manhattan CBD; the industry would remain economically viable overall, though individual drivers could be adversely affected



## **Beneficial Effects**



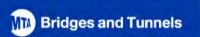
## No Adverse Effects













# **Energy and Noise**

## **Key Findings – Energy**

Reductions in regional energy consumption as a result of reductions in VMT

### **Key Findings – Noise**

Assessed 102 intersections and all the crossings into the Manhattan CBD

Imperceptible increases or decreases in noise levels resulting from changes in traffic volumes



**Beneficial Effects** 

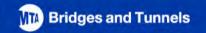


**No Adverse Effects** 





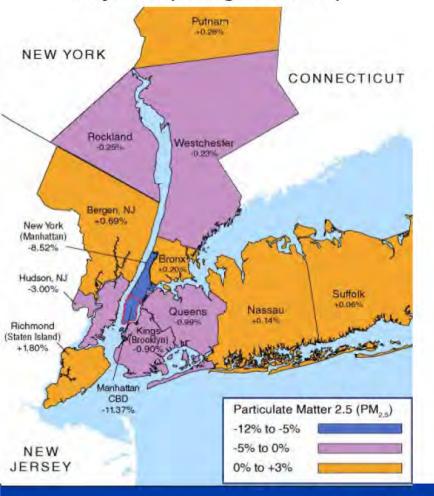






# **Air Quality**

Manhattan CBD Tolling Alternative, 2023 Projection (Tolling Scenario A)







#### **Key Findings**

Regionally, air pollutants would be reduced, including precursors to greenhouse gases

No local exceedances of air quality standards

#### **Enhancements**

NYCDOT will coordinate to expand the New York City Community Air Survey network of air quality monitors; this will be supplemented by a small number of real-time monitors for Particulate Matter 2.5.

Based on feedback during outreach for the Project, MTA will prioritize Kingsbridge and Gun Hill Bus Depots, both located in and serving primarily environmental justice communities in Upper Manhattan and the Bronx, when electric buses are received in MTA's next major procurement of battery electric buses.









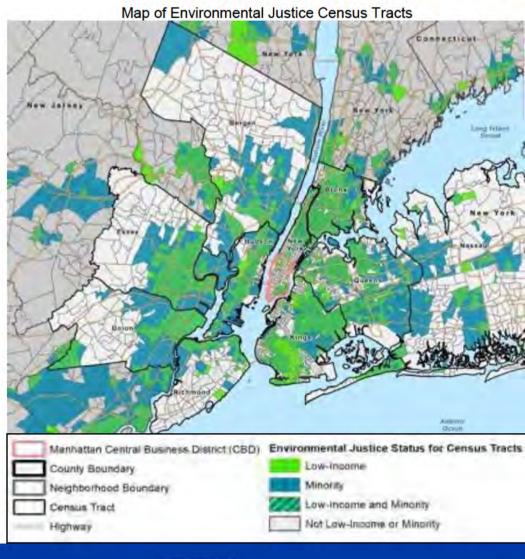
# **Environmental Justice (EJ)**

## **Key Findings**

The Project would have the potential for disproportionately high and adverse effects on:

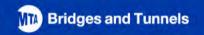
- Low-income drivers who do not have an alternative transportation mode for reaching the Manhattan CBD
- Taxi and For-Hire Vehicle (FHV) drivers in New York City, many of whom identify as part of an EJ population (in Tolling Scenarios that toll their vehicles more than once per day)













## **Environmental Justice: Low-Income Drivers**



#### Mitigation

Tax credit for CBD tolls paid by residents of the Manhattan CBD whose NY adjusted gross income for the taxable year is less than \$60,000; TBTA will coordinate with NYS Department of Taxation and Finance (NYS DTF) to ensure availability of documentation needed for drivers eligible for credit

TBTA will post information related to the tax credit on the Project website, with links to the NYS DTF website to guide eligible drivers to information on claiming the credit.

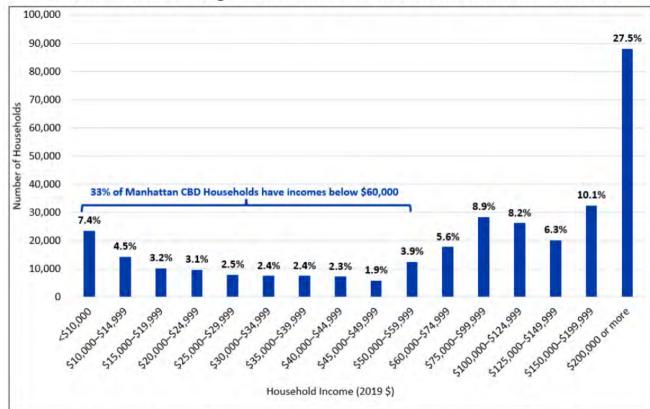
TBTA will eliminate the \$10 refundable deposit required for E-ZPass customers with no credit card linked to their account.

TBTA will increase promotion of existing E-ZPass payment and plan options.

TBTA will work with MTA to increase outreach/education on eligibility for existing discounted transit fare products/programs.

The Project Sponsors will establish an Environmental Justice Community Group that will meet on a bi-annual basis, with the first meeting six months after Project implementation, to share updated data and analysis and hear about potential concerns.

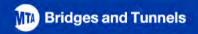
#### Percent of Those Eligible for the NYS Tax Credit for CBD Tolls Paid



Source: U.S. Census Bureau, American Community Survey, 2015-2019 5-Year Estimates





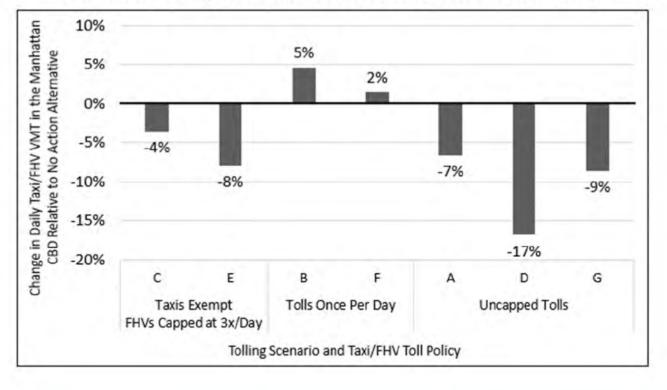




# **Environmental Justice: Taxi and FHV Drivers**



# Change in Daily Taxi/FHV VMT in Manhattan CBD (CBD Tolling Alternative Tolling Scenarios Compared to No Action Alternative)



#### Mitigation

(NYC taxi and/or FHV drivers if a tolling scenario is implemented with tolls of more than once per day for their vehicles)

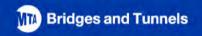
The Project Sponsors will work with appropriate city and state agencies so that when passengers are present, they pay the toll, rather than the driver.

TBTA will work with MTA NYCT to institute an Employment Resource Coordination Program to connect drivers experiencing job insecurity with a direct pathway to licensing, training, and job placement with MTA or its affiliated vendors at no cost to the drivers.

For those who may not want a commercial driver's license, TBTA will coordinate with MTA NYCT to submit a request to the Federal Transit Administration for a pilot program that will help increase eligibility of taxi and FHV drivers to use their vehicles to provide paratransit trips, and MTA NYCT will implement this program if approved.









#### **Construction Effects**



What: Replacement of existing poles or installation of new poles and mast arms, excavation and

construction of foundation(s), placement of new support poles or structures, attachment of

tolling system equipment, and restoration of the roadway, sidewalk, or ground surface

Where: Streets and sidewalks

**Duration:** Approximately 1-2 weeks, per location

### **Key Findings**

Typical street construction that would be of short duration

Temporary disruptions to traffic and pedestrian patterns

Temporary noise disruption at nearby land uses such as residences and businesses

The Project Sponsors would require the contractor to develop and comply with plans and procedures to minimize construction effects.

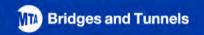
No parks and recreational resources, and no historic or cultural resources would be adversely affected.

Rendering of Tolling Infrastructure











#### **Visual Resources**



**Infrastructure:** Similar in form to streetlight poles, sign poles, or similar structures already in use

throughout New York City; signage similar in size and character to signs already

present; color would match existing light pole colors

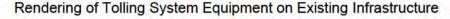
**Equipment:** Tolling equipment clustered into single enclosures to reduce visual impact; cameras would

use infrared illumination at night so no visible light needed

## **Key Findings**

Neutral effect on viewer groups and no adverse effect on visual resources

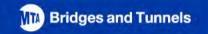
Infrastructure and equipment would be similar in form to streetlight poles, sign poles, or similar structures already in use throughout New York City.













# Section 4(f)

A de minimis impact is one that, after taking into account any measures to minimize harm (e.g., avoidance, minimization, mitigation), results in either:

- A Section 106 finding of no adverse effect or no historic properties affected on a historic property; or
- A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).

# Tolling harrastracture and Tolling System Equipment

Northeast view of East Drive in Central Park Near Grand Army Plaza

#### **Key Findings**



FHWA intends to find that the CBD Tolling Alternative would have a de minimis impact on Central Park and the High Line

- The CBD Tolling Alternative does not result in adverse effects pursuant to Section 106 of the National Historic Preservation Act
- The CBD Tolling Alternative "does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f)"
- FHWA has concurrence on its proposed finding from officials with jurisdiction over Central Park and the High Line
- FHWA will consider public input on its proposed finding received during this public review of the EA



South view of West Drive in Central Park Near 7<sup>th</sup> Avenue



North view of High Line at 10th Avenue and W 30th St

Infrastructure and signs shown in photos are renderings, not actual installations









#### **Additional Enhancements**



#### **Ongoing Data Collection and Reporting**

- Ongoing monitoring and reporting of potential effects
- Data collected in advance and after implementation
- Formal report issued one year after implementation and then every two years
- Reporting website will make data, analysis, and visualizations available in open data format to the greatest extent possible, with updates provided on at least a bi-annual basis as data become available and analysis is completed

#### **Prioritizing Equity in Bus Service Improvements**

- New York City's buses serve a greater share of low-income/minority households than other modes, including subways.
- MTA developed a new approach that combines considerations of equity and air quality to identify Equity Priority Areas.
- Equity Priority Areas are used to target improvements/investments to promote equity and access to opportunities in transit-dependent, historically marginalized and underserved areas.
- TBTA will work with NYCT to address areas identified in the EA where bus service could be improved as the Brooklyn and Manhattan Bus Network Redesigns move forward (Bronx already done; Queens in progress).





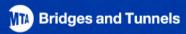














# **Public Outreach**

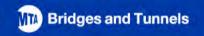
Early Public Outreach Meetings				
10	Public Outreach Meetings			
9	EJ Outreach Meetings			
3	EJ Technical Advisory Group Meetings			
2	EJ Stakeholder Working Group Meetings			

Statistics from Early Enhanced Outreach				
Total Registered Participants	1,066			
Speakers	398			
YouTube Views (to date)	14,000+			
Number of Early Comments Received	7,300+			

Environmental Assessment Public Hearings					
Public Hearing #1	Thu, August 25, 2022	5 PM			
Public Hearing #2	Sat, August 27, 2022	10 AM			
Public Hearing #3	Sun, August 28, 2022	1 PM			
Public Hearing #4	Mon, August 29, 2022	1 PM			
Public Hearing #5	Tue, August 30, 2022	5 PM			
Public Hearing #6	Wed, August 31, 2022	10 AM			
EJ Stakeholder Working Group					
Meeting #3	Fri, August 19, 2022	1PM			
EJ Technical Advisory Group					
Meeting #4	Mon, August 22, 2022	1PM			

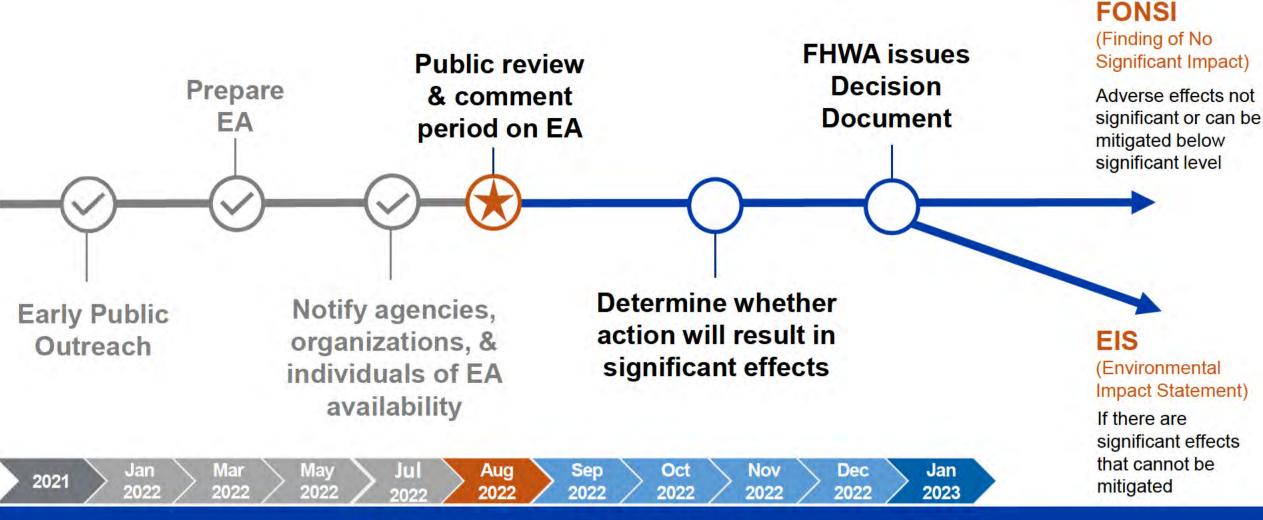




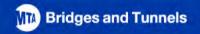




# **NEPA Next Steps**









## **How to Submit Comments**



# Public comment period is open until September 9, 2022

If you would like to submit written comments, you may do so in the following ways:



Project website: mta.info/CBDTP

Email: CBDTP@mtabt.org

Mail: CBD Tolling Program EA

2 Broadway, 23<sup>rd</sup> Floor New York, NY 10004

Phone: 646-252-7440

Fax: 212-504-3148 [Attn: The CBDTP Team]



Email: CBDTP@dot.gov

Mail: FHWA – NY Division, Re: CBDTP

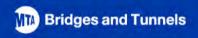
Leo W. O'Brien Federal Building

11A Clinton Ave, Suite 719

Albany, NY 12207









# **Central Business District Tolling Program**

Environmental Justice Technical Advisory Group – Meeting #5
October 6, 2022



Discussion of Suggested Mitigation and Enhancement Measures

DRAFT. Pre-decisional and deliberative









# Why Are We All Here Today?

The Project Sponsors Listened and Read... and We Heard and Saw...

Concerns voiced by EJ TAG members and others regarding Project effects on areas and people already overburdened, including but not limited to:

- Air Quality and associated Health Effects
- Traffic
- Noise
- New Costs and associated Economic Effects

Desire to have these issues described with more detail

Suggestions for avoiding or mitigating these potential effects







# **Agenda**

Status of the environmental review process

Discussion of suggested mitigation and enhancement measures

Prioritize potential mitigation and suggested enhancement measures

**Next steps** 







# Status of the Environmental Review Process

#### Public comment period ended, after two-week extension – Sept. 23, 2022

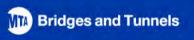
- Responding to over 14,800 individual and over 50,000 form letter submissions
- Determination of whether certain sections of the EA need to be updated based on those comments

#### Development and refinement of mitigation and enhancement measures

- Discussion of potential mitigation and enhancement measures w/ EJ TAG – October 6, 2022
- Presentation of package of proposed mitigation and enhancement measures – November 2022, TBD









# **EJ TAG Suggested Mitigation/Enhancement Measures**

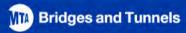
#### **Types of Measures Suggested**

- Emissions Initiatives
- Health and Community Programs
- Street and Traffic Improvements
- Toll and Fare Policy
- Transit Improvements

#### **Evaluating Measures**

- Ability to directly or indirectly address effects
- Consistency with Project purpose, need, and objectives
- Potential for exacerbating effects seeking to avoid or mitigate
- Jurisdictional authority to implement
- Scale, time, and cost required to implement







# **Suggestions for Emissions Initiatives**

#### **Greening**

- Create green loading zones and cool corridors
- · Expand green roofs
- · Install roadside trees and hedges
- Pay for permanent caretakers through NYC Parks Dept. for street tree maintenance

#### Low/Zero-Emission Vehicles & Infrastructure

- Mass deployment of charging equipment for medium and heavy-duty vehicles in EJ communities
- · Electrify the Hunts Point Food Market
- Prioritize bus electrification in EJ communities

#### **Policy Changes**

Stop development of new warehouses in the Bronx

#### **Major Studies/Upgrades**

- Replace NYPA 'Peaker' power plants with renewable energy plus battery storage
- Cap Cross Bronx Expressway
- Upgrade Kingsbridge, Gun Hill, and Manhattanville Depots to be LEED certified
- Establish a marine freight terminal at Hunts Point

#### Other Possibilities

- Expand the NYC Clean Trucks Program
- Engage the EJ TAG in identification of the potential locations for new air monitoring sites









# **Suggestions for Health and Community Programs**

#### **Health and Accessibility**

- · Establish an asthma clinic in Harlem
- Implement programs for people with disabilities that have trouble accessing public transportation
- Increase street trees in heat-vulnerable neighborhoods

#### **Recreation and Community**

- Fund after-school programs in East Harlem and the South Bronx
- Fund expansion of parks and recreation centers in EJ communities
- Fund expansion of the Be a Buddy Program for the home-bound elderly in EJ communities

#### Other Possibilities

 Convene the Environmental Justice Community Group prior to project implementation, and meet more frequently than bi-annually







# Suggestions for Street and Traffic Improvements

#### **Regulatory, Policy or Operational Changes**

- Replace street parking w/dedicated off-peak loading zones
- Introduce no-standing signage and improve traffic enforcement in key locations (e.g., Park Ave Viaduct)
- Minimize off-street parking requirements for new developments

#### **Design Changes**

- Implement expanded sidewalks/pedestrian-bicycle lanes as a deterrent for diversions
- Improve pedestrian-related infrastructure for persons with disabilities
- Introduce right-turn pockets for bus lanes at heavilyused intersections
- Introduce green infrastructure (e.g., bioswales and permeable pavers) along the waterfront and in other areas (e.g., along 125<sup>th</sup> St)

#### **General Improvements**

- Include local art projects
- Clear streets of unused construction materials

#### Other Possibilities

Expand NYCDOT Off-hour Deliveries Program







# Suggestions for Toll and Fare Policy

#### **MTA Fares**

- Make MTA transit free, starting with incomeeligible individuals
- Make public buses free, starting with children and adults over 75 years of age

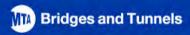
#### **CBDTP Toll**

- Once-per-day limit on the number of tolls per day for taxis
- Select scenario with the fewest additional daily vehicle trips in the South Bronx and East Harlem
- · Toll discount for carpooling
- · Toll discount for electric vehicles
- Toll exemption for buses
- · Toll the trips occurring completely within the CBD

#### Other Possibilities

- · Free overnight for trucks
- Make overnight charge for passenger vehicles equal to or just slightly higher than a roundtrip transit ride
- Continue public engagement in the process of ultimately recommending and choosing the actual toll structure
- Toll discount/rebate for low-income drivers







# **Suggestions for Transit Improvements**

#### **Service Changes**

- · Introduce bus transit signal priority
- Improve signal service for MTA
- Improve Select Bus Service in Northern Manhattan
- Introduce off-board fare collection in certain locations
- Implement all-door boarding in certain locations

#### **Design Changes**

Implement off-set bus lanes along 125th Street in E Harlem

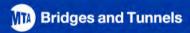
#### **General Improvements**

· Install covered bus stops

#### **Prioritizing for Accessibility**

Prioritize EJ communities for ensuring subway station accessibility







# **Next Steps**

#### **Evaluate Suggested Mitigation and Enhancement Measures**

- Ability to directly or indirectly address effects
- Consistency with Project purpose, need, and objectives
- Potential for exacerbating effects seeking to avoid or mitigate
- Jurisdictional authority to implement
- Scale, time, and cost required to implement

#### **Hold EJ TAG Meeting #6**

- Timing November 2022
- Purpose Review proposed package for mitigation and enhancement measures







# Central Business District Tolling Program

Environmental Justice Technical Advisory Group – Meeting #6
January 5, 2023

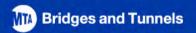


Discussion of CBDTP Effects and Proposed Investment Commitments

DRAFT, Pre-decisional and deliberative









# Status of the Environmental Review Process

#### **Review of comments**

- Drafted responses for nearly 40 Frequently Received Comments, over 21,000 specific comments, and more than 50,000 form letter submissions
- · Incorporated additional information, based on comments, into portions of the document

#### More detailed assessment of effects of the Program in EJ communities

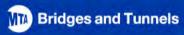
 Developed new Technical Memo – "Considerations for Environmental Justice Communities with Existing Pollution or Health Burdens"

## Refinement of Package of Investments

Formulated package to meaningfully address areas of concern









# **EJ TAG Suggested Mitigation/Enhancement Measures**

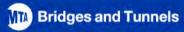
#### **Types of Measures Suggested**

- Emissions Initiatives
- Health and Community Programs
- Street and Traffic Improvements
- Toll and Fare Policy
- Transit Improvements

#### **Evaluating Measures**

- Ability to directly or indirectly address effects
- Consistency with Project purpose, need, and objectives
- Potential for exacerbating effects seeking to avoid or mitigate
- Jurisdictional authority to implement
- Scale, time, and cost required to implement







# Considerations for EJ Communities with Existing Pollution and Health Burdens – Technical Memo

#### **Purpose**

- Describe how and why traffic, and especially truck traffic, contributes to pollutant burdens, and explain the association between these burdens and health outcomes
- Provide context of past, present, and reasonably foreseeable actions, including land-use and transportation practices, (not including the CBDTP) on trends related to pollutant emissions and associated health outcomes in the 10-county EJ Study Area
- Identify census tracts within the EJ Study Area that are already overburdened, that would experience
  increased traffic/truck traffic and resulting emissions due to the CBDTP, and where investments would be
  merited to address long-standing concerns raised during the comment period

#### **Findings**

- Some EJ communities beyond the CBD would benefit from the Project
- Some EJ communities could experience additional traffic, along with associated air pollutants. After reviewing comments, obtaining input from the EJ TAG, and in recognition of historical burdens, a package of investments to address this project-related traffic effect is merited



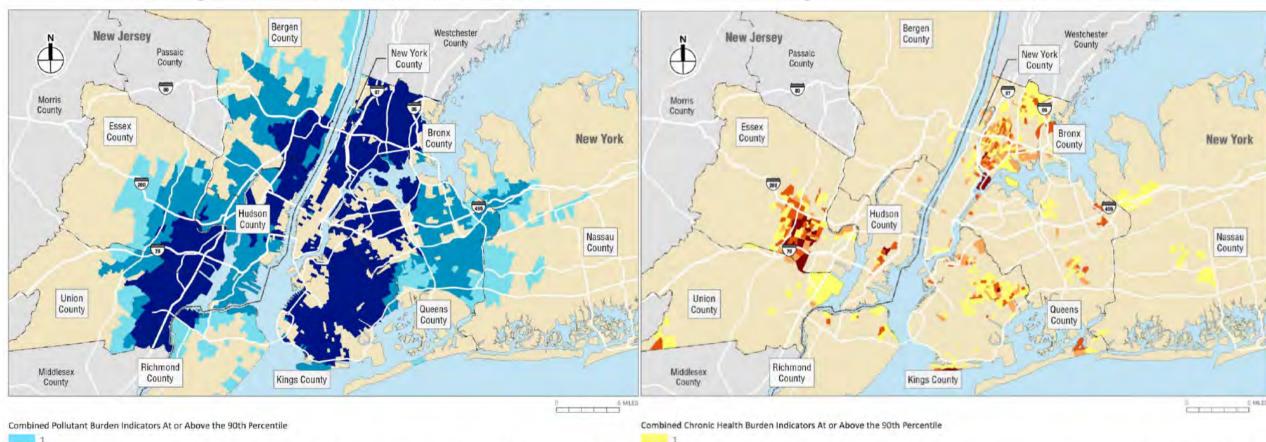




# **Historical Pollutant and Health Burdens**

#### **Pre-Existing Pollutant Burdens in EJ Census Tracts**

#### Pre-Existing Chronic Disease Burdens in EJ Census Tracts



Source: EJScreen 2021 data

Note: Percentiles are national; though four pre-existing pollutant indicators were

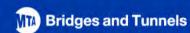
Federal Highway

Administration

Source: EJI 2022 data Note: Percentiles are national; though five pre-existing chronic disease indicators were included in analysis, no tract is at or above the 90th percentile for all five

included in analysis, no tract is at or above the 90th percentile for all four

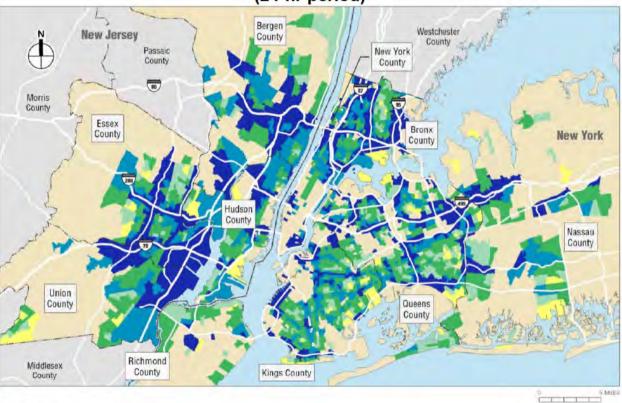






# **Historical Traffic Burdens and Potential Project Effects**

Pre-Existing All-Vehicle Traffic Proximity in EJ Census Tracts (24-hr period)



Potential Change in Highway Truck Traffic Proximity in EJ Census Tracts, Tolling Scenario E (24-hr period)



Traffic Proximity Index

0 - 40th percentile

40th - 60th percentile

60th - 80th percentile

Source: EJScreen 2021 data Note: Percentiles are national

Source: BPM







Truck Traffic Proximity Change (Equivalent at 300 m, Approx. 1,000 ft Away)



# **Areas Meriting Investment**

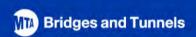
EJ Census Tracts with Combined Pre-Existing Pollutant and Chronic Disease Indicators At or Above the 90<sup>th</sup> Percentile That Could Experience Truck
Traffic Increases



Sources: BPM; EJScreen 2021 data; EJI 2022 data Note: Percentiles are national





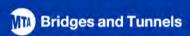




### **Communities That Could Experience Truck Traffic Proximity Increases**

County		No. of Tracts by No. Pre-Existing Pollutant, Chronic Disease Burdens				Daily Truck Volume		
	Community	2-3	2-3 4-5 6-7 Highways		Highways	No Action (AADT)	Change (AADT)	Change (%
Bronx, NY	High Bridge - Morrisania and Crotona - Tremont	0	16	2	Cross Bronx Expwy	21,819	168	0.8%
	Hunts Point - Mott Haven/Pelham - Throgs Neck	0	11	3	Bruckner Expwy	5,624	277	4.9%
	Hunts Point - Mott Haven	0	1	2	Major Deegan & Bruckner Expwys	7,618	874	11.5%
		0	0	1*	Approach to RFK Bridge	9,868	1,339	13.6%
	Pelham - Throgs Neck	0	1	0	Throgs Neck Expwy	4,194	50	1.2%
		0	1	0	Cross Bronx Expwy Ext.	9,580	398	4.2%
	Northeast Bronx	0	1	0	New England Thruway	13,640	191	1.4%
New York, NY	East Harlem	0	0	2	E 125th/Approach to RFK Bridge	1,513	1,556	102.8%
	Randall's Island	0	0	1	RFK Bridge on Randall's Island	12,432	3,170	25.5%
Kings, NY	Downtown Brooklyn – Fort Greene	0	0	3	Brooklyn Queens Expwy	14,107	891	6.3%
	South Williamsburg	0	3	1	Brooklyn Queens Expwy	15,870	853	5.4%
Essex, NJ	Orange – East Orange – Newark	2	3	1	I-280	6,106	116	1.9%
Bergen, NJ	Fort Lee	0	1	0	I-95 / George Washington Bridge	14,768	195	5.4%







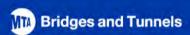
# Proposed New Investment Package (est. \$27M/year; \$135M/5yrs)

Investment Commitments	Priority by Percentage	Source	Implementation
Emissions and Greenspace Initiatives			G
Replacement of Refrigeration Units (TRUs or "Reefer Trucks") at Hunts Point Market		CBDTP	NYSERDA/NYCDOT
Expand NYC Clean Trucks Voucher Program		CBDTP	NYCDOT
Electric Truck Charging Infrastructure		Federal CRP*	NYSDOT/NYCDOT
Install Roadside Vegetation to Improve Near-Road Air Quality		CBDTP	TBTA/NYSDOT/NYCDOT
Renovate Parks & Greenspace in EJ Communities		CBDTP	NYC Parks
Reduce Overnight Toll Rate to Benefit Small Businesses & Limit Truck Diversions		CBDTP	ТВТА
Health Initiatives			
Install Air Filtration Units in Schools Located in Environmental Justice Communities Near Impacted Highways		CBDTP	ТВТА
Asthma Case Management Program		CBDTP	NYC
Establish Bronx Asthma Center		CBDTP	NYC
TOTAL	100%		

\*CRP - Carbon Reduction Program

This slide does not represent the full set of mitigation and investment measures committed to for this Project. The Project Sponsors have also committed to air quality monitoring, prioritizing the transition to zero-emissions bus fleet, establishing an Environmental Justice Community Group, and other measures. Data collected throughout the monitoring program will be made available publicly as data becomes available and analysis is completed.







# Central Business District Tolling Program

Environmental Justice Technical Advisory Group – Meeting #7
January 12, 2023



Discussion of CBDTP Effects and Proposed Mitigations and Enhancements

DRAFT, Pre-decisional and deliberative









# Status of the Environmental Review Process

#### **Review of comments**

- Drafted responses for nearly 40 Frequently Received Comments, over 21,000 specific comments, and more than 50,000 form letter submissions
- Incorporated additional information, based on comments, into portions of the document

#### More detailed assessment of effects of the Program in EJ communities

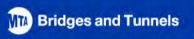
 Developed new Technical Memo – "Considerations for Environmental Justice Communities with Existing Pollution and Health Burdens"

## Refinement of package of investments

 Formulated package of mitigation and enhancement measures to meaningfully address areas of concern









# What's Changing

#### Taxi and FHV Drivers

 Project Sponsors will commit to not tolling taxi or FHVs more than once per day for CBDTP

#### **Low-Income Drivers**

More specificity provided on timing and which drivers are eligible for different mitigation

#### **Traffic Increases in EJ Communities**

 Tech memo that describes pre-existing burdens at the 80<sup>th</sup> percentile for air pollutants and, separately (i.e., 'or'), the 66.66<sup>th</sup> percentile for chronic diseases, with discussion, before focusing mitigation on the 90<sup>th</sup> percentile for mitigation







#### **Technical Memorandum**

#### **Purpose**

- Describe how and why traffic/truck traffic, contributes to pollutant burdens, and the association between these burdens and health outcomes
- Provide broader context (e.g., past land use policies) related to trends in pollutant emissions and associated health outcomes
- Identify census tracts within the EJ Study Area that are already overburdened and would experience increased or decreased traffic/truck traffic and resulting emissions due to the CBDTP

#### **Findings**

- Some EJ communities beyond the CBD would benefit from the Project
- Some EJ communities that are already overburdened could experience additional traffic, along with associated air pollutants.
- After reviewing comments, obtaining input from the EJ TAG, and in recognition of historical burdens, a
  package of mitigation and enhancement measures to address this project-related traffic effect is merited







# **Summary of Sources and Methodology**

#### **Additional Data Sources**

Pollutant burdens: USEPA's EJScreen

Health burdens: CDC's Environmental Justice Index (EJI); State/ local health department data (NJ, NY, NYC)

#### **Methods – Key Features**

- Use of "truck traffic proximity" to gauge exposure to increased traffic\*
- No thresholds to screen out increases in traffic exposure (i.e., 'one truck is too many')
- No distinction between air pollutant or health burden indicators for discussion of effects
- · Use of White House Council on Environmental Quality (CEQ) and Justice40 Initiative precedent to guide mitigation
- Use of Tolling Scenario E for discussion.\*\*

\*All motor vehicles produce air pollutants, but emissions from trucks are of particular concern for near-road air quality because exhaust from diesel engines contains a mixture of gases and solid particles, broadly referred to as diesel particulate matter Furthermore, concerns about project-generated increases in truck traffic in EJ communities were specifically raised during early outreach efforts.

\*\*Truck diversions occur in every tolling scenario. Tracts with pre-existing air pollutant and chronic disease burdens that would benefit from reduced traffic, and those affected by increased traffic would vary somewhat, but the identified communities remain largely the same across Tolling Scenarios. Under Tolling Scenario G, Fort Lee would not experience increases.

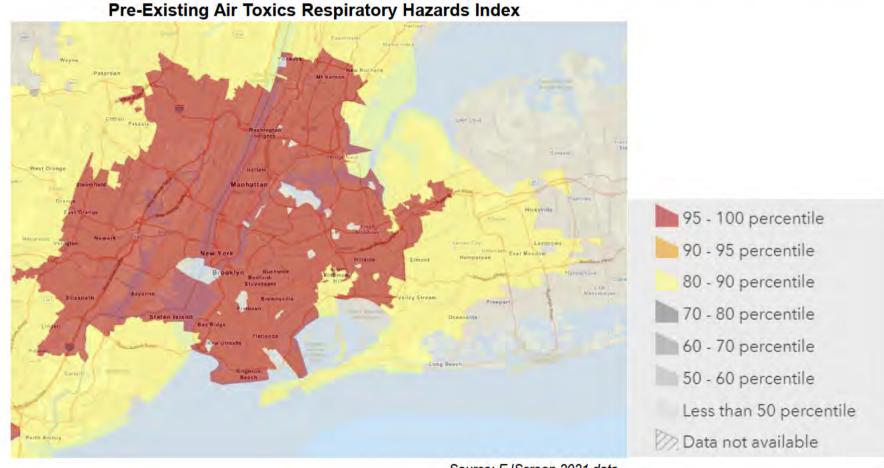






# Air Toxics Respiratory Hazards (EJ & Non-EJ Communities)

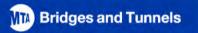
The air toxics respiratory hazards index for the 10-County EJ Study Area is among the highest in the nation, across both EJ and non-EJ communities.



Source: EJScreen 2021 data Note: Percentiles are national



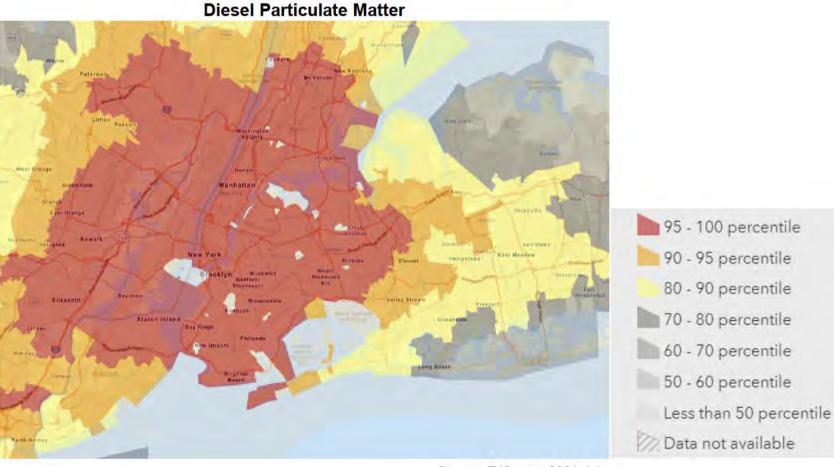






# Diesel Particulate Matter (EJ & Non-EJ Communities)

Diesel particulate matter burdens are also very high across the entire 10-County EJ Study Area, for both EJ and non-EJ communities, within and beyond the Central Business District.



Source: EJScreen 2021 data Note: Percentiles are national







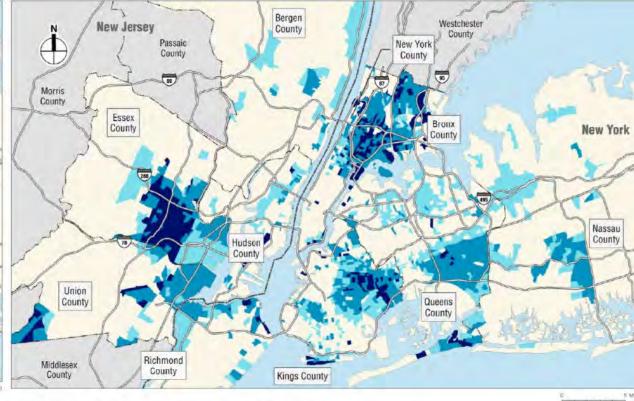


# **Historical Pollutant and Health Burdens**

#### **Pre-Existing Pollutant Burdens in EJ Census Tracts**

#### Pre-Existing Chronic Disease Burdens in EJ Census Tracts





Combined Number of Pre-Existing Pollutant Burdens at or above the 80th Percentile

Source: USEPA National Air Toxics Assessment (NATA) 2017 and Agency Air Quality System 2018 via EJScreen 2021 data

Note: Percentiles are national; though four pre-existing pollutant indicators were included in analysis, no tract is at or above the 80<sup>th</sup> percentile for all four

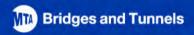
Combined Number of Pre-Existing Chronic Disease Burdens at or above the 66.66th Percentile

1 2-3 4-5

Source: CDC PLACES Estimates 2020 via EJI 2022 data Note: Percentiles are national





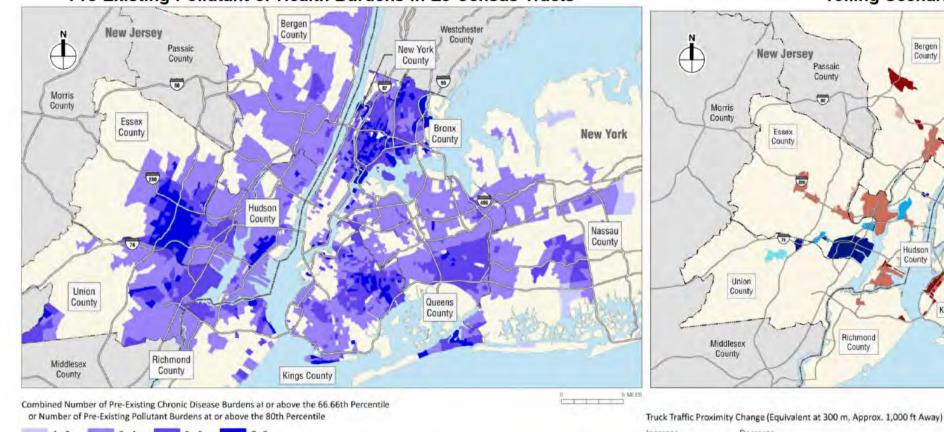




# **Historical Burdens and Potential Project Effects**

Pre-Existing Pollutant or Health Burdens in EJ Census Tracts

Potential Change in Highway Truck Traffic Proximity in EJ Census Tracts, Tolling Scenario E (24-hr period)





Source: USEPA National Air Toxics Assessment (NATA) 2017 and Agency Air Quality System 2018 via EJScreen 2021 data; CDC PLACES Estimates 2020 via EJI 2022 data Note: Percentiles are national

Decrease 1 - 99 trucks 100 - 1.000







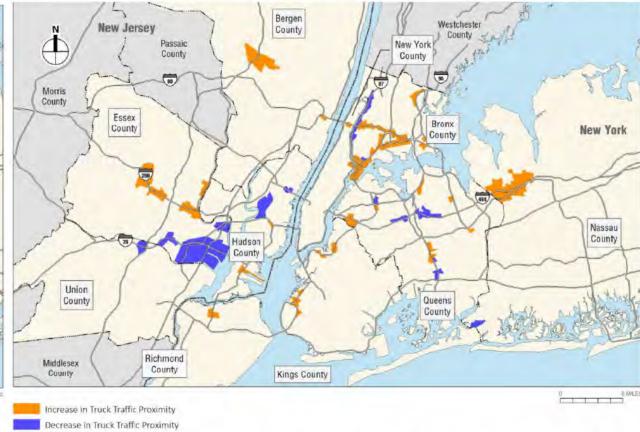
Source: BPM

# **Historical Burdens and Potential Project Effects**

EJ Census Tracts with Pre-Existing Pollutant Indicators At or Above the 80<sup>th</sup> Percentile That Could Experience Truck Traffic Increases or Decreases (Tolling Scenario E)

Bergen Westchester New Jersey County Passaic New York County County Morris County Essex County **New York** County Nassau County Hudson Union Queens County County Richmond Middlesex County Kings County County Increase in Truck Traffic Proximity Decrease in Truck Traffic Proximity

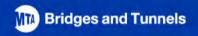
EJ Census Tracts with Pre-Existing Chronic-Disease Indicators At or Above the 66.66th Percentile That Could Experience Truck Traffic Increases or Decreases (Tolling Scenario E)



Source: USEPA National Air Toxics Assessment (NATA) 2017 and Agency Air Quality System 2018 via EJScreen 2021 data; BPM Source: CDC PLACES Estimates 2020 via EJI 2022 data; BPM





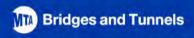




### EJ Communities That Could Experience Truck Traffic Proximity Decreases (Tolling Scenario E)

County	Community	Number of Tracts by Number of Pre-Existing Pollutant (80 <sup>th</sup> Percentile) or Chronic Diseas Burdens (66.66 <sup>th</sup> Percentile)					
122000		1-2	3-4	5-6	7		
	Crotona - Tremont			1	4		
	Fordham - Bronx Park			1			
Bronx, NY	High Bridge - Morrisania			2	1		
	Hunts Point - Mott Haven			1			
	Kingsbridge - Riverdale		3	3	1		
Vines NV	Borough Park		1				
Kings, NY	Downtown - Heights - Slope		1				
New York, NY	Chelsea - Clinton		1				
	Flushing - Clearview		2				
	Fresh Meadows		2				
Ousses NV	Jamaica			2			
Queens, NY	Ridgewood - Forest Hills		4	1			
	Southwest Queens			2			
	West Queens		5	1			
Undere N.	Jersey City		2				
Hudson, NJ	Union City		2	1			
Essex, NJ	Newark		2	1	6		
Union, NJ	Union		2				
Nassau, NY	Hempstead			1			







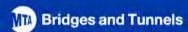
### EJ Communities That Could Experience Truck Traffic Proximity Increases (Tolling Scenario E)

				of Pre-Existing I e Burdens (66.60		000.00	Daily Truck Volume		
County	Community	1-2	3-4	5-6	7	Highway	No Action (AADT)	Change (AADT)	Change (%)
	Crotona - Tremont			11	5	Cross Bronx Expwy	21,819	168	1%
	High Bridge - Morrisania			3	1	Cross Bronx Expwy	21,819	168	1%
	Hunts Point - Mott Haven		9	6	4	Major Deegan & Bruckner Expwys	7,618	874	11%
Drony MV	nunts Point - Wott Haven		(1)	0	4	Approach to RFK Bridge	9,868	1,339	14%
Bronx, NY	Northeast Bronx	11		1		New England Thruway	13,640	191	1%
						Cross Bronx Expwy Ext.	9,580	398	4%
	Pelham - Throgs Neck		5	7	5	Throgs Neck Expwy	4,194	50	1%
						Bruckner Expwy	5,624	277	5%
	Bensonhurst - Bay Ridge		2			Gowanus Expwy	5,614	329	6%
Vinna NV	Downtown Brooklyn - Fort Greene		5		3	Brooklyn Queens Expwy	14,107	891	6%
Kings, NY	South Williamsburg		2	5		Brooklyn Queens Expwy	15,762	878	6%
	Sunset Park		13	2		Gowanus Expwy	5,031	310	6%
	East Harlem			1	1	Approach to RFK Bridge	1,513	1,556	103%
New York, NY	Randall's Island				1	RFK Bridge on Randall's Island	12,432	3,170	25%
	Washington Heights - Inwood	3.1	1	2		Trans-Manhattan Expwy	15,217	336	2%
	Bayside - Little Neck		5			Clearview Expwy	12,029	485	4%
	Flushing Classian		2			Clearview Expwy	14,332	631	4%
	Flushing - Clearview		2			Whitestone Expwy	7,118	378	5%
	Jamaica		2	2		Van Wyck Expwy	8,876	303	3%
						Grand Central Pkwy	9,935	2,522	25%
Ourses NV	Long Island City - Astoria		6	1		Brooklyn Queens Expwy	12,572	1,982	16%
Queens, NY	And Annual Control of the Control of					Long Island Expwy	4,446	217	5%
	Ridgewood - Forest Hills*		1			Long Island Expwy	11,851	(116)	-1%
	Southeast Queens		2			Clearview Expwy	7,649	59	1%
	Southwest Queens			2		Van Wyck Expwy	7,264	12	0.2%
	West Owners		0			Long Island Expwy	4,446	217	5%
	West Queens		9			Brooklyn Queens Expwy	8,657	1,696	20%
Dishmand MV	Port Richmond		2			MLK Expwy	3,023	339	11%
Richmond, NY	Stapleton - St. George		1			Staten Island Expwy	4,354	403	9%

Note: \*Truck traffic proximity increases in this census tract, even though AADT shows a decrease





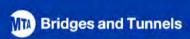




### EJ Communities That Could Experience Truck Traffic Proximity Increases (Tolling Scenario E)

County	Teach and the second		Number of Tracts by Number of Pre-Existing Pollutant (80th Percentile) or Chronic Disease Burdens (66.66th Percentile)				Daily Truck Volume		
County	Community	1-2	3-4	5-6	7	Highway	No Action (AADT)	Change (AADT)	Change (%)
	Hackensack		1			1-80	15,034	208	1%
	Ridgefield Park Village		11			US-46	3,202	195	6%
						1-95	21,427	368	2%
	Fort Lee		1	1		N Bergen Blvd	6,499	312	5%
					NJ Rt 4	12,413	35	0.3%	
	Palisades Park		1			US 1-9-46	2,854	344	12%
Bergen, NJ						1-80	9,976	164	2%
2.2	Lodi		1			NJ Rt 17	9,387	345	4%
						US-46	4,420	13	0.3%
	Actions		1			NJ Rt 17	8,858	333	4%
	Paramus		1			NJ Rt 4	7,300	3	0.04%
	Didaofiald		1			1-95	10,644	266	2%
	Ridgefield					US-9	2,905	48	2%
	East Orange				1	I-280	2,840	59	2%
	Newark			3	3	McCarter Hwy	6,381	17	0.3%
Essex, NJ	Newark			3	3	I-280	6,425	117	2%
A 70 1 1 1 1	West Orange		1			I-95	5,618	116	2%
	City of Orange				2	I-280	5,722	115	2%
	Bayonne		4			NJ Rt 440	7,432	443	6%
	Harrison		2			I-280	6,951	118	2%
Hudson NJ	Jorgan City		5			Tonnelle Ave	4,461	540	12%
Hudson, NJ	Jersey City		5			NJ Rt 139	3,571	207	6%
	V a a musi		1			I-280	6,954	107	2%
	Kearny		1			NJ Rt 9	11,481	359	3%
Nassau, NY	North Hempstead		2			Long Island Expwy	7,744	3	0.04%







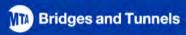
### **Distribution of Effects**

The 10-County EJ Study Area is comprised of 3,107 census tracts, of which 2,193 are EJ communities and 914 are non-EJ communities.

	Direction of Highway Truck Traffic Proximity Changes	The second second second		% of Community Type Affected		
		Non-EJ	EJ	Total	Non-EJ	EJ
	Decrease	23	56	79	19%	18%
At 80 <sup>th</sup> OR 66.66 <sup>th</sup> Percentile	No Change	49	101	150	40%	32%
	Increase	51	154	205	41%	50%
	TOTAL	123	311	434		

<sup>\*</sup>Includes only tracts with population; excludes 6 tracts with an estimated population of 0



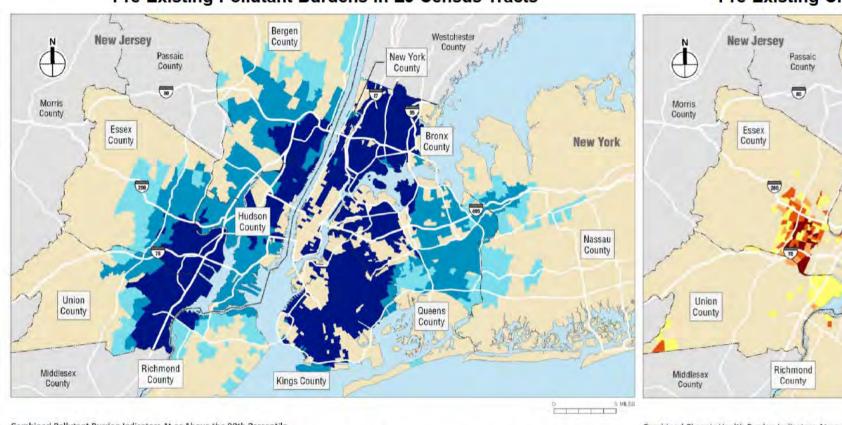


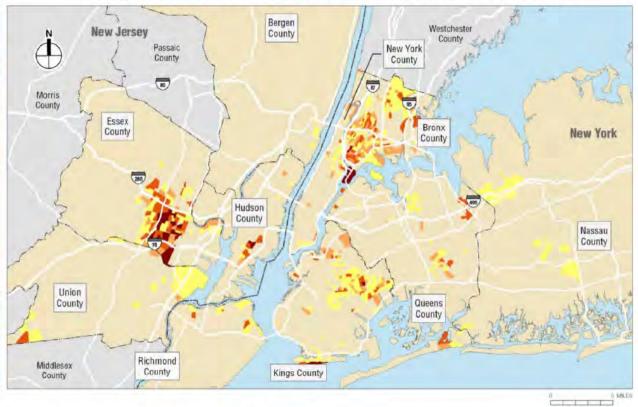


# **Addressing Effects – Mitigation Needs**

#### Pre-Existing Pollutant Burdens in EJ Census Tracts

#### Pre-Existing Chronic Disease Burdens in EJ Census Tracts





Combined Pollutant Burden Indicators At or Above the 90th Percentile

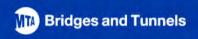
Source: USEPA National Air Toxics Assessment (NATA) 2017 and Agency Air Quality System 2018 via EJScreen 2021 data

Note: Percentiles are national: though four pre-existing pollutant indicators were included in analysis, no tract is at or above the 90th percentile for all four Combined Chronic Health Burden Indicators At or Above the 90th Percentile

Source: CDC PLACES Estimates 2020 via EJI 2022 data Note: Percentiles are national; though four pre-existing pollutant indicators were included in analysis, no tract is at or above the 90th percentile for all five









# **Areas Identified for Potential Mitigation**

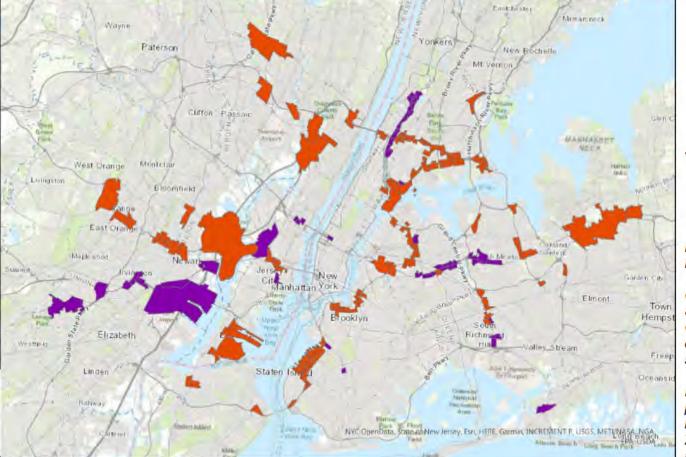
EJ Census Tracts with Either Pre-Existing Pollutant or Chronic Disease Indicators At or Above the 90<sup>th</sup> Percentile That Could Experience Truck Traffic Increases or Decreases (Tolling Scenario E)

Potential effects of truck diversions in the study area (in both EJ and non-EJ communities), including those communities with pre-existing pollutant and/or health burdens, will be mitigated by non-location-specific measures designed to decrease diversions and the polluting effects of trucks on the highway network.

Potential Project Effect (Scenario E)

Truck Traffic Proximity Decrease

Truck Traffic Proximity Increase



Sources: USEPA National Air Toxics
Assessment (NATA) and Agency
Air Quality System via EJScreen 2021
data; CDC PLACES Estimates
2020 via EJI 2022 data: BPM

Notes:

Percentiles are national

Census tract populations vary from 1,200 – 8,000 with an optimum size of 4,000 (US Census Bureau); larger census tracts are less dense, and populations may be concentrated in specific areas

In the densely-developed NYC Metro area, physically larger census tracts include non-residential uses such as Industrial Business Zones (IBZs), cemeteries, golf courses, airports, etc.





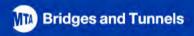




### EJ Communities That Could Experience Truck Traffic Proximity Decreases (Tolling Scenario E)

C-11741	Community	Number of Tracts by Number of Pollutant o Chronic Disease Burdens (90th Percentile)					
County		1-2	3-4	5-6	7		
	Crotona - Tremont		2	3			
	Fordham - Bronx Park		1				
Bronx, NY	High Bridge - Morrisania		1	2			
	Hunts Point - Mott Haven			1			
	Kingsbridge - Riverdale		6	1			
Kinns MV	Borough Park		1				
Kings, NY	Downtown - Heights - Slope		1				
New York, NY	Chelsea - Clinton		1				
	Flushing - Clearview	2					
W 10. (0.11)	Fresh Meadows	1	1				
Ousens NV	Jamaica	2					
Queens, NY	Ridgewood - Forest Hills		5				
	Southwest Queens	2					
	West Queens		6				
Essex, NJ	Newark		3	5	1		
Undeen N.I	Jersey City	1	1				
Hudson, NJ	Union City		3				
Union, NJ	Union	2					
Nassau, NY	Hempstead	1					







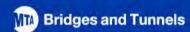
### EJ Communities That May Need Mitigation (Tolling Scenario E)

County	Community			er of Pre-Existin rdens (90th Perc		History	Daily Truck Volume		
County	Community	1-2	3-4	5-6	7	Highway	No Action (AADT)	Change (AADT)	Change (%)
	Crotona - Tremont		10	6		Cross Bronx Expwy	21,819	168	1%
	High Bridge - Morrisania		2	2		Cross Bronx Expwy	21,819	168	1%
	Hunts Point - Mott Haven		4	7		Major Deegan & Bruckner Expwys	7,618	874	11%
Bronx, NY	Hunts Point - Woll Haven	4	4	I		Approach to RFK Bridge	9,868	1,339	14%
Bronx, NT	Northeast Bronx	4		1		New England Thruway	13,640	191	1%
				1		Cross Bronx Expwy Ext.	9,580	398	4%
	Pelham - Throgs Neck	2	2 10 5			Throgs Neck Expwy	4,194	50	1%
	1					Bruckner Expwy	5,624	277	5%
	Bensonhurst - Bay Ridge	1	1			Gowanus Expwy	5,614	329	6%
Winne MV	Downtown Brooklyn - Fort Greene		5	3		Brooklyn Queens Expwy	14,107	891	6%
Kings, NY	South Williamsburg		3	4		Brooklyn Queens Expwy	15,762	878	6%
	Sunset Park		15			Gowanus Expwy	5,031	310	6%
A CHIELD	East Harlem			2		Approach to RFK Bridge	1,513	1,556	103%
New York, NY	Randall's Island				1	RFK Bridge on Randalls Island	12,432	3,170	25%
S. M. Sabire	Washington Heights - Inwood		3			Trans-Manhattan Expwy	15,217	336	2%
	Bayside - Little Neck	5				Clearview Expwy	12,029	485	4%
	The second secon					Clearview Expwy	14,332	631	4%
	Flushing - Clearview	1	1			Whitestone Expwy	7,118	378	5%
	Jamaica	4				Van Wyck Expwy	8,876	303	3%
						Grand Central Pkwy	9,935	2,522	25%
A COURT AND	Long Island City - Astoria		7			Brooklyn Queens Expwy	12,572	1,982	16%
Queens, NY						Long Island Expwy	4,446	217	5%
	Ridgewood - Forest Hills*		1			Long Island Expwy	11,851	(116)	-1%
	Southeast Queens	2				Clearview Expwy	7,649	59	1%
	Southwest Queens	2				Van Wyck Expwy	7,264	12	0.2%
						Long Island Expwy	4,446	217	5%
	West Queens		9			Brooklyn Queens Expwy	8,657	1,696	20%
2011 - 00120	Port Richmond	2				MLK Expwy	3,023	339	11%
Richmond, NY	Stapleton - St. George	1				Staten Island Expwy	4,354	403	9%

Note: \*Truck traffic proximity increases in this census tract, even though AADT shows a decrease.







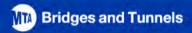


### EJ Communities That May Need Mitigation (Tolling Scenario E)

County			Number of Tracts by Number of Pre-Existing Pollutant or Chronic Disease Burdens (90th Percentile)				Daily Truck Volume		
County	Community	1-2	3-4	5-6	7	Highway	No Action (AADT)	Change (AADT)	Change (%)
	Control of the contro					I-95	21,427	368	2%
	Fort Lee*		2			N Bergen Blvd	6,499	312	5%
						NJ Rt 4	12,413	35	0.3%
	Hackensack	1				I-80	15,034	208	1%
	Ridgefield Park Village		1			US-46	3,202	195	6%
	Palisades Park		1			US 1-9-46	2,854	344	12%
Bergen, NJ Lodi					I-80	9,976	164	2%	
	1				NJ Rt 17	9,387	345	4%	
						US-46	4,420	13	0.3%
	Doronius	4				NJ Rt 17	8,858	333	4%
	Paramus 1				NJ Rt 4	7,300	3	0.04%	
	Didgofield		4			I-95	10,644	266	2%
	Ridgefield		1			US-9	2,905	48	2%
	Bayonne	4				NJ Rt 440	7,432	443	6%
	Harrison		2			I-280	6,951	118	2%
Hudson N.I	Jorgan City	2	2			Tonnelle Ave	4,461	540	12%
Hudson, NJ Jersey C	Jersey City	2	3			NJ Rt 139	3,571	207	6%
	Koorny	4				I-280	6,954	107	2%
	Kearny	- 1				NJ Rt 9	11,481	359	3%
Nassau, NY	North Hempstead	1	1			Long Island Expwy	7,744	3	0.04%

<sup>\*</sup> Under Tolling Scenario G, Fort Lee would not experience increases.







### Traffic Increases in EJ Communities - New Mitigation Package

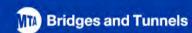
Investment Commitments if a tolling structure is adopted that increases truck traffic in EJ communities identified	5-Year Funding	Benefit and Result of Mitigation	Relevant Location(s)	Timing		Implementation
Direct Avoidance of Truck/Traffic Increases	\$30M+					
Lower Overnight Toll Rate (\$ truck/rdtrp transit others)	\$30M+	Potential to minimize/avoid truck diversions	All	Concurrent with Project implementation		TBTA
Emissions and Greenspace Initiatives	\$60M					
Replacement of Refrigeration Units (TRUs or "Reefer Trucks") at Hunts Point Market	\$30M	Major NOx and PM <sub>25</sub> reductions from the replacement of ~100 TRUs	Hunts Point	Engagement with TRU owners would start after t	oll rate decided	NYSERDA/NYCDOT
Expand NYC Clean Trucks Voucher Program	\$00W	NOx and PM <sub>2.5</sub> reductions from ~600 new clean trucks	All	Engagement with companies would start after to	Il rate decided	NYCDOT
Electric Truck Charging Infrastructure	\$10M	NOx and PM <sub>2.5</sub> reductions from electric vehicles using 12 new chargers (at 3 stations)	Based on final analysis	Specific locations would be determined after toll	rate decided; rations	NYSDOT/NYCDOT
Install Roadside Vegetation	\$5M	Improves near-road air quality by pollutant capture from ~2,000 trees of ~20, shrubs	20000		fected	TBTA/NYSDOT/ NYCDOT/NYC Parks
Renovate Parks & Greenspace in EJ Communities	\$15M	Increased green space/ improved park(s) help with overall community well-being		ernight tolls, cleaner d increased off-hours	fected	NYC Parks
Health Initiatives	\$35M					
Install Air Filtration Units in Schools Near Highways	\$10M	Remove air pollutants from classrooms		ies would mitigate cross the study area	nt would take	ТВТА
Asthma Case Management Program & Center	\$25M	Bronx Asthma Clinic, program expansion to K-8 schools, health data upgrades	Circus a	cross the study area	nt would take	NYC
Street and Traffic Initiatives	\$5M					
Expand NYCDOT Off-Hours Deliveries Program (non-CBD locations)	\$5M	Safety benefit resulting from reduced truck traffic during the day	Based on final analysis and community input	Engagement with shippers and receivers would stoll rate is decided	start after the	NYCDOT
TOTAL	\$130M			2		

<sup>1)</sup> Except for charging infrastructure, the funding source for all initiatives is CBDTP program revenues.

<sup>2)</sup> This slide does not represent the full set of mitigation and investment measures committed to for this Project.









### **Areas Identified for Place-Based Investment**

EJ Census Tracts with Pre-Existing Pollutant and Chronic Disease Indicators at/above 90th Percentile with Potential Truck Traffic Proximity Increases (Tolling Scenario E)



Combined Number of Pre-Existing Pollutant and Chronic Disease Burdens

2-3 Indicators at or above the 90th percentile

4 – 5 Indicators at or above the 90th percentile

6-7 Indicators at or above the 90th percentile

Sources: USEPA National Air Toxics Assessment (NATA) and Agency Air Quality System via EJScreen 2021 data; CDC PLACES Estimates 2020 via EJI 2022 data; BPM

#### Notes:

Percentiles are national

Census Tract 3009, Nassau County not shown. Potential truck volume increases and decreases on roadways within the tract would ultimately cancel each other out and result in no change of truck traffic proximity for the residential populations within the tract.









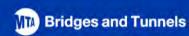
#### Communities Identified for Place-Based Investment (Tolling Scenario E)

County	Community		acts by No. Pro ronic Disease Percentile)		Highways	Daily Truck Volume		
	100000000	2-3	4-5	6-7		No Action (AADT)	Change (AADT)	Change (%)
	High Bridge - Morrisania and Crotona - Tremont		16	2	Cross Bronx Expwy	21,819	168	1%
	Hunts Point - Mott Haven/Pelham - Throgs Neck		11	3	Bruckner Expwy	5,624	277	5%
Bronx, NY  Hunts Point - Mott Haven		1	2	Major Deegan & Bruckner Expwys	7,618	874	11%	
				1*	Approach to RFK Bridge	9,868	1,339	14%
	Dollham Throgo Nook		1		Throgs Neck Expwy	4,194	50	1%
100	Pelham - Throgs Neck		1		Cross Bronx Expwy Ext.	9,580	398	4%
	Northeast Bronx		1		New England Thruway	13,640	191	1%
New York,	East Harlem			2	Approach to RFK Bridge	1,513	1,556	103%
NY	Randall's Island			1	RFK Bridge on Randall's Island	12,432	3,170	25%
IC NV	Downtown Brooklyn – Fort Greene			3	Brooklyn Queens Expwy	14,107	891	6%
Kings, NY	South Williamsburg		3	1	Brooklyn Queens Expwy	15,870	853	5%
Essex, NJ	Orange – East Orange – Newark	2	3	1	I-280	6,106	116	2%
Bergen, NJ	Fort Lee**		1		I-95 / George Washington Bridge	14,768	195	1%

<sup>\*</sup>Census Tract 27.01, Bronx County, immediately north of junction btw bridge approach and Bruckner Expwy; tract also counted in row for Major Deegan & Bruckner Expwys above
\*\*Tracts with pre-existing air pollutant and chronic disease burdens that would benefit from reduced traffic, and those affected by increased traffic would vary somewhat, but the identified communities remain largely the same across Tolling Scenarios. Under Tolling Scenario G, Fort Lee would not experience increases.









### Traffic Increases in EJ Communities - New Mitigation Package

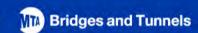
Investment Commitments if a tolling structure is adopted that increases truck traffic in EJ communities identified	5-Year Funding	Benefit and Result of Mitigation	Relevant Location(s)	Timing	Implementation
Direct Avoidance of Truck/Traffic Increases	\$30M+				3l.
Lower Overnight Toll Rate (\$ truck/rdtrp transit others)	\$30M+	Potential to minimize/avoid truck diversions	All	Concurrent with Project implementation	TBTA
Emissions and Greenspace Initiatives	\$60M				
Replacement of Refrigeration Units (TRUs or "Reefer Trucks") at Hunts Point Market	\$30M	Major NOx and PM <sub>2.5</sub> reductions from the replacement of ~100 TRUs	Hunts Point	Engagement with TRU owners would start after toll rate decided	NYSERDA/NYCDOT
Expand NYC Clean Trucks Voucher Program	\$50IVI	NOx and PM <sub>2.5</sub> reductions from ~600 new clean trucks	All	Engagement with companies would start after toll rate decided	NYCDOT
Electric Truck Charging Infrastructure	\$10M	NOx and PM <sub>2.5</sub> reductions from electric vehicles using 12 new chargers (at 3 stations)	Based on final analysis and community input	Specific locations would be determined after toll rate decided; Implementation within 6 mos of start of tolling operations	NYSDOT/NYCDOT
Install Roadside Vegetation	\$5M	Improves near-road air quality by pollutant capture from ~2,000 trees or ~20, shrubs	Based on final analysis and community input	Specific locations would be determined with the affected communities after toll rate is decided	TBTA/NYSDOT/ NYCDOT/NYC Parks
Renovate Parks & Greenspace in EJ Communities	\$15M	Increased green space/ improved park(s) help with overall community well-being	Based on final analysis and community input	Specific locations would be determined with the affected communities after toll rate is decided	NYC Parks
Health Initiatives	\$35M				
Install Air Filtration Units in Schools Near Highways	\$10M	Remove air pollutants from classrooms	Based on final analysis and community input	After the toll rate is decided, site/needs assessment would take place prior to start of tolling operations	ТВТА
Asthma Case Management Program & Center	\$25M	Bronx Asthma Clinic, program expansion to K-8 schools, health data upgrades	Based on final analysis and community input	After the toll rate is decided, site/needs assessment would take place prior to start of tolling operations	NYC
Street and Traffic Initiatives	\$5M				
Expand NYCDOT Off-Hours Deliveries Program (non-CBD locations)	\$5M	Safety benefit resulting from reduced truck traffic during the day	Based on final analysis and community input	Engagement with shippers and receivers would start after the toll rate is decided	NYCDOT
TOTAL	\$130M				

<sup>1)</sup> Except for charging infrastructure, the funding source for all initiatives is CBDTP program revenues.

<sup>2)</sup> This slide does not represent the full set of mitigation and investment measures committed to for this Project.









### Study Area-Wide Mitigation to Address Affects on EJ Communities

#### Lower Overnight Toll Rate to Reduce Diversions Across All Scenarios - ~\$30M

- Reduces incentive to by-pass CBD thus reducing diversions across the study area
- Overnight large truck tolls between \$7 and \$41 would be significantly reduced

#### Expand NYC Clean Trucks Voucher Program - ~\$28M

- Funds conversion of old, dirty trucks to electric, hybrid, or clean diesel (cost depends on size and fuel type)
- Convert ~600 trucks to remove ~1 ton of PM2.5 and ~30 tons of NOx per year
- Trucks must be associated with a NYC Industrial Business Zone and do 70% of mileage in the tri-state area, tracked for compliance

#### **Expand NYCDOT Off-hours Delivery Program - \$5M**

- · Air quality and safety benefit resulting from reduced truck traffic during the day
- · Helps receivers shift deliveries to off hours to make use of lower overnight toll rates







# Place-Based Mitigation Measures to Address Most Burdened EJ Communities

#### Replace Truck Refrigeration Units (TRUs) at Hunts Point Market - \$2M

- \$17,500 per TRU
- · Replace 100 dirtiest units
- As much as 21 tons NOx and 2.5 tons PM2.5 reduction per year

#### **Electric Truck Charging Infrastructure - \$10M**

- \$2.8M per charging station each station, includes four 150kW chargers and one 350kW charger
- · Creates necessary enabling environment for zero-emissions vehicle adoption

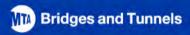
#### Install Roadside Vegetation - \$5M

- · Identify specific communities to benefit from targeted plantings along roadways
- If properly designed, vegetation barriers can improve near-road air quality

#### Renovate Parks and Greenspaces - \$15M

Identify specific location(s) for enhancements or upgrades







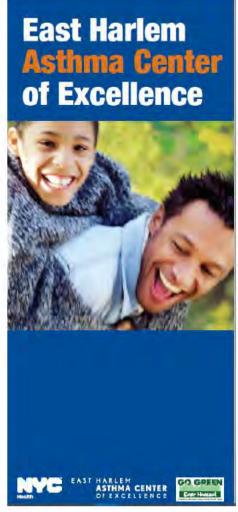
# Place-Based Mitigation Measures to Address Most Burdened EJ Communities (continued)

#### Install Air Filtration Units in Schools Near Highways - \$10M

- Modeled after NYCDOE upgrades to Lehman High School in the Bronx to reduce air quality impacts from proximity to Hutchinson River Parkway
- All-in unit cost ~\$400K per high school, \$300K per middle school, and \$250K per elementary school (25 40 schools depending on size)

#### Fund Asthma Case Management Program & Center - \$25M

- Bronx Asthma Center would be modeled after NYC DOHMH's East Harlem Asthma Center of Excellence (EHACE), \$2M annual cost.
- Office School of Health's (OSH) Asthma Case Management Program (ACMP) program can be expanded to 25 schools, \$2.7M annual cost.
- Industry-wide standard for health data storage, querying, and electronic data exchange can be set up for \$400K for years
- Outcomes from EHACE's counselor program reported a 50% reduction in hospitalizations, a 56% decrease in ED visits, significant decreases in the number of days and nights with asthma symptoms, along with reductions in missed school days related to asthma, for program participants.











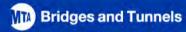
### **Discussion**

Thoughts on the investments?

Would you prioritize anything differently?

Other suggestions?







# Central Business District Tolling Program

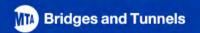
Final Environmental Assessment (EA)
May 2023



Changes Included in the Final EA









## What is the Central Business District (CBD) Tolling Program?

A vehicular tolling program to reduce traffic congestion in the Manhattan CBD

As defined in the New York State MTA Reform and Traffic Mobility Act, vehicles would be charged a daily toll for entering or remaining in the Manhattan CBD, which is south of, and inclusive of 60<sup>th</sup> Street in Manhattan, excluding:

- The Franklin D. Roosevelt (FDR) Drive and the West Side Highway/Route 9A
- The Battery Park Underpass and any surface roadway portion of the Hugh L. Carey Tunnel connecting to West Street

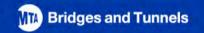
After covering CBD Tolling Program-related capital and operating expenses, revenues collected would fund projects in the MTA 2020-2024 Capital Program and successor capital programs.



Map of Manhattan's Central Business District Tolling Program Area









### What would the benefits be?



Reduced vehicular traffic in and near the Manhattan CBD



Improved travel times within the Manhattan CBD, including for buses, emergency vehicles, and deliveries

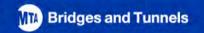


New source of local, recurring capital funding for subways, trains, and buses











# Project Purpose, Need, Objectives

### **Purpose**

To reduce traffic congestion in the Manhattan CBD in a manner that will generate revenue for future transportation improvements, pursuant to acceptance into FHWA's Value Pricing Pilot Program (VPPP)

### Need

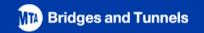
- To reduce vehicle congestion in the Manhattan CBD
- To create a new local, recurring funding source for MTA's Capital Projects

### **Objectives**

- Reduce daily vehicle-miles traveled (VMT) within the Manhattan CBD by at least 5 percent
- Reduce the number of vehicles entering the Manhattan CBD daily by at least 10 percent
- Create a funding source for capital improvements and generate sufficient annual net revenues to fund \$15 billion for capital projects for the MTA Capital Program
- Establish a tolling program consistent with the purposes underlying the New York State legislation entitled the MTA Reform and Traffic Mobility Act









### Alternatives Evaluated in the EA

### **No Action Alternative**

- No program to toll vehicles in the Manhattan CBD
- No comprehensive plan to reduce Manhattan CBD congestion
- No annual, recurring funding for MTA capital programs

### **CBD Tolling "Action" Alternative**

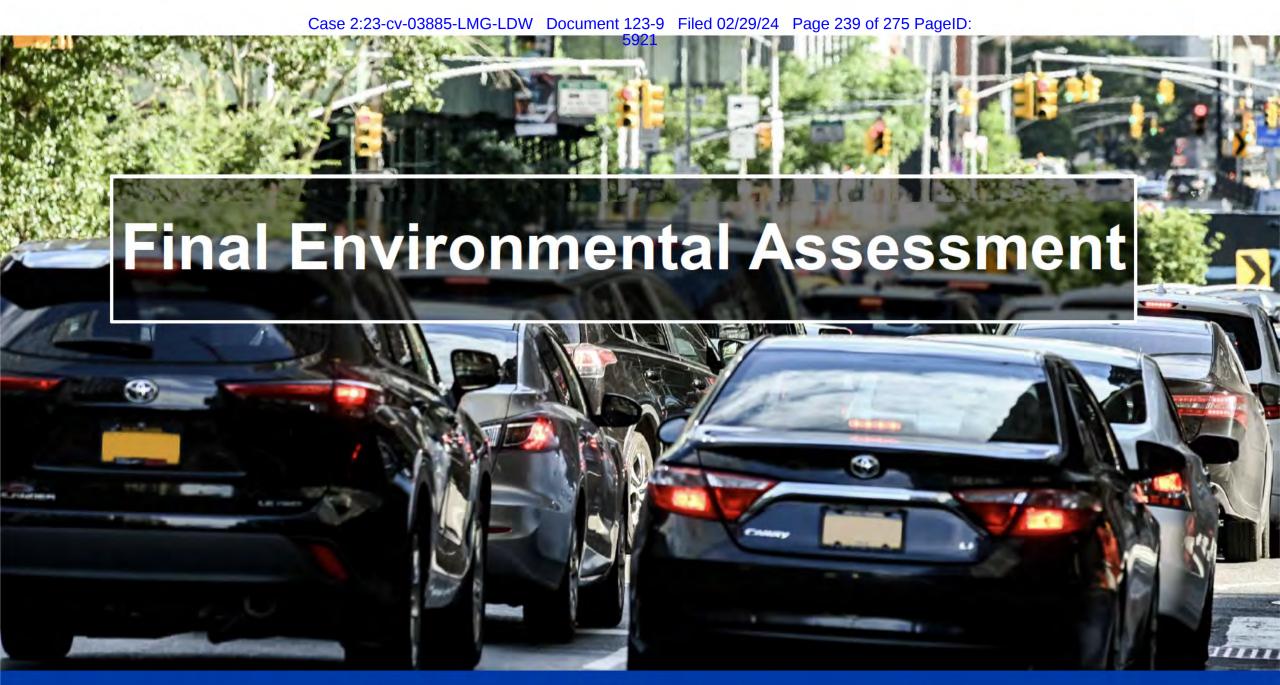
- Implement a tolling program, consistent with the Mobility Act, to toll vehicles entering or remaining in the Manhattan CBD
- Install tolling infrastructure, tolling system equipment, and signage within and near the Manhattan CBD
- Generate funds for MTA capital investments in subways, buses, and commuter railroads



















# **Unprecedented Amounts of Community Engagement**

23 federal, state, local, and regional agencies; 5 Tribal Nations

19 early outreach sessions, incl 9 sessions focused on EJ communities

- Nearly 400 speakers
- More than 14,000 views

7 meetings of the Environmental Justice Technical Advisory Group

Ads placed in 36 publications 9 languages; print/digital formats

6 public hearings during the public comment period

- Over 550 speakers
- More than 11,200 views

3 meetings of the Environmental Justice Stakeholder Working Group

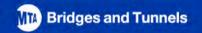


Additional meetings with agencies and others as requested

In total, we received more than 22,000 individual comments and more than 55,000 form letter submissions









## We Listened, We Heard, and We Responded

### Review and response to comments

 Listened to and/or read, and drafted responses to 39 Frequently Received Comments, over 22,000 individual comments, and more than 55,000 form letter submissions

Incorporated additional analysis and mitigation measures, based on comments, into

portions of the document

### Additional assessment of effects on EJ communities

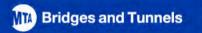
- Developed new Technical Memo "Considerations for Environmental Justice Communities with Existing Pollution or Health Burdens"
- Added new Appendix related to low-income frequent drivers

### Refinement of package of investments

Modified and expanded the package of mitigation and enhancement measures









# What's New in the Chapters?

### New chapters and appendices, with particular focus on EJ and comments

- Foreword
- Appendix 17D, "Technical Memorandum: Considerations for Environmental Justice Communities with Existing Pollution or Health Burdens"
- · Appendix 17E, "Approach to Mitigating the Effect of CBD Tolls on Low-Income Frequent Drivers"
- Appendix 18: 18A "Responses to Frequently Received Comments"; 18B "Index of All Submissions; 18C Comments and Responses; 18D "Form Letter Submissions"

### Chapters and appendices with changes or added content

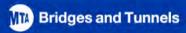
- Executive Summary
- · Chapter 16, "Summary of Effects"
- Chapter 17, "Environmental Justice"
- Chapters 2, 3, 4A, 5C, 6, 10; Appendices 4A.3, 19

### How will I know what changed?

- · Changes in the document are identified with brackets and bold, italic font [like this]
- Where figures or entire tables have been changed, the title of the figure or table is shown [like this]









# What Mitigation Is the Same or More Detailed?

### Mitigation and enhancement measures that remain the same

- EJ communities: Prioritizing depots located in and serving Bronx and Upper Manhattan EJ communities for zero-emission buses
- EJ communities: Coordination to improve bus service in EJ communities identified in the EA as the Brooklyn and Manhattan Redesigns progress
- **EJ population low-income drivers:** Tax credit for CBD residents with adjusted gross income less than \$60k; posting of information related to the tax credit and links with information on how to claim the credit; elimination of the \$10 E-ZPass tag deposit fee; enhanced promotion of existing plans and discounts; outreach and education on eligibility for transit discounted fare products

#### Mitigation and enhancement measures with additional detail

- Monitoring plans: Added detail on timelines for monitoring pre- and post-implementation, thresholds that will require the identified mitigation action, and timing for when those actions will occur (3 highway segments; 4 local intersections; 6 transit station elements)
- Ongoing project monitoring and reporting of potential effects: Added commitment to use an adaptive management approach to
  monitoring the efficacy of mitigation and adjustments.

### Mitigation and enhancement measures with more frequency

- Air quality monitoring: In addition to more clarity on the monitoring plan, added additional commitment: "Following the initial two-year post implementation analysis period, and separate from ongoing monitoring and reporting, the Project Sponsors will assess the magnitude and variability of changes in air quality to determine whether more monitoring sites are necessary."
- EJ Community Group: Will meet sooner (first meeting prior to Project implementation) and more frequently (quarterly)









# What Are the New Mitigation Commitments?

#### **Low-Income Drivers**

For five years, TBTA commits to a Low-Income Discount Plan for frequent low-income drivers who will benefit
from a 25% discount on the full CBD E-ZPass toll rate for the applicable time of day after the first 10 trips in each
calendar month (excluding the overnight period)

#### **Small Businesses**

 Project sponsors commit to establishing a Small Business Working Group that will meet six months prior to, and six months after the beginning of tolling operations, and annually thereafter

#### Taxi and FHV Drivers

TBTA will ensure that taxis or FHVs are not tolled more than once per day for the CBDTP

#### **Traffic in EJ Communities**

- TBTA will ensure that the overnight toll for trucks and other vehicles is reduced to at or below 50% of the peak toll from at least 12:00am to 4:00am; this will also benefit trucks and low-income drivers who travel during this time
- A new package of regional and place-based mitigation that focuses on emissions, greenspace, health, and traffic
  (as detailed on the next slide)









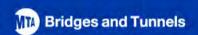
### New Regional and Place-Based Mitigation Measures (\$155 million/5 years\*)

BENEFIT AND RESULT OF MITIGATION	5-YEAR FUNDING	RELEVANT LOCATION(S)	FUNDING SOURCE	IMPLEMENTATION LEAD
Minimize/avoid truck diversions	\$30 million	414 770 10	CBD Tolling Program	ТВТА
NOx and PM <sub>2.5</sub> reductions from ~500 new clean trucks	\$20 million	environmental justice		
Safety and emissions reduction benefits resulting from reduced truck traffic during the day	\$5 million	study area		NYCDOT
25 to 35 percent of the non-truck traffic increases on the FDR Drive could be mitigated	N/A	FDR Drive between the Brooklyn Bridge and East Houston Street	N/A	ТВТА
Major NOx and PM2.5 reductions from the replacement of up to 1,000 TRUs	\$15 million	Hunts Point	MTA CMAQ Program	NYCDOT
NOx and PM2.5 reductions from electric vehicles using 35 new chargers (at seven stations)	\$20 million		\$10 million Federal CRP + \$10 million CBD Tolling Program	NYSDOT
Improves near-road air quality by pollutant capture from ~4,000 trees and ~40,000 shrubs	\$10 million	After toll rates are set, a process that	CBD Tolling Program	TBTA with Relevant State and Local Agencies
Increases overall community well-being. 2-5 park/ greenspace renovations depending on size and complexity.	\$25 million	includes both additional analyses and community input	CBD Tolling Program	TBTA with Relevant State and Local Agencies
Removes air pollutants from classrooms. 25-40 schools depending on school size and complexity of existing HVAC system.	\$10 million	will take place to determine specific locations	CBD Tolling Program	TBTA with Relevant State and Local Agencies
Reduces hospitalizations and doctor visits, decreases days and nights with symptoms and missed school days – program expansion up to 25 schools	\$20 million		CBD Tolling Program	NYC DOHMH
	Minimize/avoid truck diversions  NOx and PM <sub>2.5</sub> reductions from ~500 new clean trucks  Safety and emissions reduction benefits resulting from reduced truck traffic during the day  25 to 35 percent of the non-truck traffic increases on the FDR Drive could be mitigated  Major NOx and PM2.5 reductions from the replacement of up to 1,000 TRUs  NOx and PM2.5 reductions from electric vehicles using 35 new chargers (at seven stations)  Improves near-road air quality by pollutant capture from ~4,000 trees and ~40,000 shrubs  Increases overall community well-being. 2-5 park/ greenspace renovations depending on size and complexity.  Removes air pollutants from classrooms. 25-40 schools depending on school size and complexity of existing HVAC system.  Reduces hospitalizations and doctor visits, decreases days and nights with symptoms and missed school days – program	Minimize/avoid truck diversions  NOx and PM <sub>2.5</sub> reductions from ~500 new clean trucks \$20 million  Safety and emissions reduction benefits resulting from reduced truck traffic during the day  \$5 million  25 to 35 percent of the non-truck traffic increases on the FDR Drive could be mitigated  Major NOx and PM2.5 reductions from the replacement of up to 1,000 TRUs  NOx and PM2.5 reductions from electric vehicles using 35 new chargers (at seven stations)  \$20 million  Improves near-road air quality by pollutant capture from ~4,000 trees and ~40,000 shrubs  Increases overall community well-being. 2-5 park/ greenspace renovations depending on size and complexity.  Removes air pollutants from classrooms. 25-40 schools depending on school size and complexity of existing HVAC system.  Reduces hospitalizations and doctor visits, decreases days and nights with symptoms and missed school days – program  \$20 million	Minimize/avoid truck diversions  NOx and PM <sub>2.5</sub> reductions from ~500 new clean trucks  Safety and emissions reduction benefits resulting from reduced truck traffic during the day  25 to 35 percent of the non-truck traffic increases on the FDR Drive could be mitigated  Major NOx and PM2.5 reductions from the replacement of up to 1,000 TRUs  NOx and PM2.5 reductions from electric vehicles using 35 new chargers (at seven stations)  Improves near-road air quality by pollutant capture from ~4,000 trees and ~40,000 shrubs  Increases overall community well-being. 2-5 park/ greenspace renovations depending on size and complexity.  Removes air pollutants from classrooms. 25-40 schools depending on school size and complexity of existing HVAC system.  Reduces hospitalizations and doctor visits, decreases days and nights with symptoms and missed school days – program  \$20 million  Locations  10-county environmental justice study area  10-county environmental justice study and anillion  10-county environmental justice study area  10-county environmental justice study area  10-county environmental justice study and anillion  10-county environmental justice stud	Minimize/avoid truck diversions  S30 million  NOx and PM <sub>25</sub> reductions from ~500 new clean trucks  Safety and emissions reduction benefits resulting from reduced truck traffic during the day  25 to 35 percent of the non-truck traffic increases on the FDR Drive could be miligated  Major NOx and PM2.5 reductions from the replacement of up to 1.000 TRUs  NOx and PM2.5 reductions from electric vehicles using 35 new chargers (at seven stations)  Improves near-road air quality by pollutant capture from ~4.000 trees and ~40.000 shrubs  Increases overall community well-being .2-5 park/ greenspace renovations depending on size and complexity.  Removes air pollutants from classrooms. 25-40 schools depending on school size and complexity of existing HVAC system.  Reduces hospitalizations and doctor visits, decreases days and nights with symptoms and missed school days – program  CBD Tolling Program

<sup>\*</sup>An additional \$5 million is allocated for mitigation and enhancement measures related to monitoring across other topics, along with \$47.5 million for the low-income discount program, for a total of \$207.5 million over 5 years.

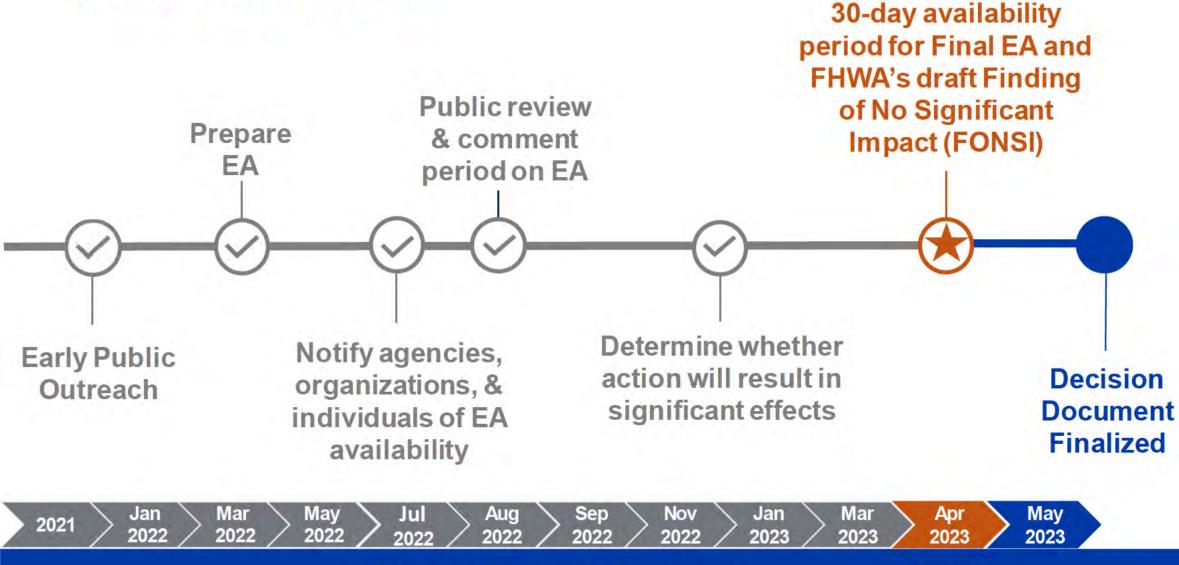






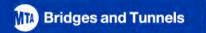


## **NEPA Final Steps**











### Interagency Consultation Group Meeting on Central Business District Tolling Program Held at NYMTC, NYC on Thursday, August 29, 2019 at 12 noon

#### Attendees:

Shengxin Jin, NYSDOT Michael Sheehan, NYSDEC Hannah Greenberg, USEPA Matthew Laurita, USEPA Gautam Mani, FHWA Nina Chung, FTA

Debra Nelson, NYMTC Gerry Bogacz, NYMTC Sangeeta Bhowmick, NYMTC Afolabi Aiyedun, NYMTC

Lawrence Lennon, MTA Allison C. de Cerreño, MTA Shati Khan, MTA

Peter Liebowitz, WSP Kyle Winslow, WSP Clint Daniels, WSP Rebecca Frohning, WSP Edward Tadross, WSP

#### **AGENDA**

- 1. Overview Central Business District Tolling Project
- 2. Regional Emission Analysis for Project Not from Conforming Plan/TIP
  - a. Assumptions and Added Features
  - b. The Option to Be Analyzed
  - c. Modeling Methodology
    - i. Traffic Modeling
    - ii. Emission Modeling
    - iii. Baseline Analysis
    - iv. Years of Analysis
    - v. Documentation, Review, and Approval
- 3. Project-Level Hot-Spot Screening
- 4. Questions/Discussion

MTA and the project team presented and discussed the legislative requirements of the Central Business District Tolling Program, the project scenarios that will be studied in the environmental review process, travel modeling and regional emissions analysis methodology and assumptions, documentation and review, and project-level hot-spot screening.

After discussion, ICG concurred with the following:

- MTA is intending to demonstrate conformity for a project not from a conforming plan/TIP subject to all requirements covered under Table 1 of 40 CFR 93.109(b).
- NYMTC's NY Best Practice Model (NYBPM) 2010 base model will be used for travel analysis; this is the base model used for the analysis supporting the current conformity determination for the NYMTC region.
- **Assumptions**, including converting the BPM from TransCAD 6 to TransCAD 7, adding user classes in highway assignment, and recalibrating for hire vehicles and taxi mode, will be added to the NYBPM 2010 base model for the CBD Tolling Program.
- Regional emissions analysis will be performed on the Modified Baseline Scenario
  (Scenario 1) which represents the best planning assumptions at this time and includes the
  legislative requirements plus a 24/7 toll structure.
- Regional emissions analysis will be run using **MOVES2014a**, consistent with NYMTC's latest conformity determination.
- MOVES will be run in Inventory Mode.
- Consistent with NYMTC's current conformity determination, budget tests for the CBD tolling program will include **analysis years 2023, 2025, 2035, 2040, 2045**.
- The regional emission analysis will use **updated MOVES inputs from NYSDOT for CMAQ** (moves 2014 nylev file, IM with fuel type 5 & added rows).
- The regional emissions analysis to demonstrate conformity will be documented as an
  appendix in the environmental documents and the public review will be part of the
  environmental review process.
- The conformity determination documentation will include a **discussion of the 2008 ozone standard in addition to the 2015 standard**. Since the project will not be implemented until 2021, year 2020 will <u>not</u> be modeled. Also, it will be noted that the area will become serious non-attainment for ozone as of 9/23/2019.
- **Project-level hot-spot screening** will be conducted for the CBDTP as part of the **environmental review process**. If a project-level analysis is needed, the project team will meet with ICG to discuss the approach.
- **No separate action/approval** will be needed from FHWA, FTA or the NYMTC Program, Finance and Administration Committee (PFAC) for this conformity determination for the Central Business District Tolling Program.

#### **MEETING SUMMARY – CBD TOLLING PROGRAM**

DATE PREPARED	9/20/21
PREPARED BY	Zainab Kazmi
MEETING SUBJECT	CBDTP Agency #2 Meeting
MEETING LOGISTICS	September 10, 2021 10:00 am – 11:00 am
WILLTING EOGISTICS	Zoom
MEETING RECORD	Hannah Brockhaus, Zainab Kazmi, Leah Flax, Nolan Levenson

#### **Attendees**

No. of Attendees: 52

Program Sponsor Attendees		
Name	Affiliation/Organization/Location	
Allison C. de Cerreño	MTA	
Nolan Levenson	MTA	
Kenneth Lovett	MTA	
Louis Oliva	MTA	
Nichola Angel	MTA - TBTA	
Romolo DeSantis	MTA - TBTA	
Leah Flax	MTA – TBTA	
Paul Friman	MTA – TBTA	
Jason Lange	MTA – TBTA	
Sergio Reis	MTA – TBTA	
Philip Vainovich	MTA - IT	
Will Carry	NYCDOT	
Patrick Smith	NYCDOT	
William Ullom	NYCDOT	
Ron Epstein	NSYDOT	
Lee Ellen Carter	Federal Highway Administration	
James Gavin	Federal Highway Administration	
Gautam Mani	Federal Highway Administration	

Rick Marquis	Federal Highway Administration
Anna Price	Federal Highway Administration
Melissa Toni	Federal Highway Administration
Robert Clark	Federal Highway Administration, New Jersey
Caitlin Timoney	HDR
Christopher Calvert	AKRF
Hannah Brockhaus	FHI Studio
Zainab Kazmi	FHI Studio
Clint Daniels	WSP
Seth Myers	WSP
Other Attendees	*****
Name	Affiliation/Organization/Location
David Elder	CTDOT
Kimberly Lesay	CTDOT
Mark Debald	Dutchess County Transportation Council
Meghan Sloan	MetroCOG
Jaime Oplinger	NJDOT
Kevin Corbett	NJ Transit
Justin Davis	NJ Transit
Robert "RJ" Palladino	NJ Transit
Mary Ameen	NJTPA
David Behrend	NJTPA
Lois Goldman	NJTPA
Jeffrey Perlman	NJTPA
Peter Zambito	NJTPA
Connor Clarke	NYCDCP
Terrell Estesen	NYCDEP
Hilary Semel	NYC Mayor's Office of Environmental Coordination
Gerry Bogacz	NYMTC
Debra Nelson	NYMTC

Jessica Ridgeway	Orange County Transportation Council
Robin Bramwell-Stewart	PANYNJ
Charlie Fausti	PANYNJ
Duncan Kisia	PANYNJ
Mary K Murphy	PANYNJ
Francis Pickering	Western Connecticut COG

#### **Meeting Agenda**

- 1. Welcome and Opening Remarks (Allison C. de Cerreño, Rick Marquis, Ron Epstein, and Will Carry)
- 2. Introductions of Program sponsors (Allison C. de Cerreño)
- 3. Introductions of other participants (All)
- 4. Purpose of meeting, Overview of project and role of federal and State agencies (Allison C. de Cerreño)
- 5. PowerPoint presentation (Allison C. de Cerreño and Chris Calvert)
- 6. Feedback from the agencies and next steps (Allison C. de Cerreño and others)

#### **Summary of Session**

Allison C. de Cerreño and Nichola Angel opened the meeting and provided an overview of the project. Rick Marquis provided brief remarks, thanking all of the agencies in advance for their participation and ongoing coordination. Program Sponsors and other attendees introduced themselves to the group.

Dr. C. de Cerreño and Chris Calvert gave a presentation outlining project information, environmental review, and outreach for CBDTP.

Following the presentation, Dr. C. de Cerreño opened the meeting for questions and comments from agency representatives. Below is a short summary of the questions and comments heard during the meeting.

- Hilary Semel of the NYC Mayor's Office of Environmental Coordination noted that the NYC Law Department typically reviews the NEPA and CEQR language of the Environmental Assessment (EA) for environmental justice methodologies. She stated that she will coordinate with the CBDTP team when it comes time for the review. Ms. Semel mentioned that Adriana Espinoza, the Mayor's policy advisor for environmental justice, also be included in future meetings and reviews. Ms. Semel also added that her office would be interested in reviewing the climate change chapter of the EA. Will Carry responded that NYCDOT will coordinate with the Mayor's office and other appropriate city government parties on the review process.
- Hilary Semel of the NYC Mayor's Office of Environmental Coordination asked how public comments will be addressed during the EA process. Dr. C. de Cerreño stated that all incoming comments will be recorded, indexed and responded to as appropriate.

- RJ Palladino of NJ Transit asked how CBD tolling would impact buses, specifically the large number of charter and private buses in the city. Dr. C. de Cerreño explained that buses are one of the most complicated parts of the project. The ultimate toll structure (including any potential exemptions, credits, and discounts) will be implemented following a process in which the Transportation Mobility Review Board (TMRB) puts forward recommendations that are ultimately sent to the MTA-TBTA board for approval. and the EA will likely explore different types of options and providing discussion on the various scenarios for buses in the toll structure.
- Robin Bramwell-Stewart of PANYNJ asked about timing for naming of the TMRB. Dr. C. de Cerreño noted that there is currently no timeline for the naming of the TMRB.
- Terrell Estesen of NYC Department of Environmental Protection asked how many tolling scenarios are being considered in the analysis and if there will be a preferred alternative identified in the NEPA process. Dr. C. de Cerreño responded that the potential tolling scenarios are still under consideration and have not been decided yet.
- Lois Goldman of NJTPA asked how much area outside of New York City will be modeled and if eastern Pennsylvania is included in the traffic analysis area. Clint Daniels of WSP explained that the model used for the study covers a 28-county region spanning most of northern New Jersey, but does not include Pennsylvania and Mercer County, NJ and far southern New Jersey. He added that the number of people making the trip from outside the 28-county region are relatively small, but the team is aware of those trips, but the primary area of concern is covered by the 28-county region used for the modeling.

Dr. C. de Cerreño thanked attendees for their participation in the meeting and encouraged those in attendance to review and share the project website which houses resources such as outreach information, a project fact sheet and poster ads. The project materials are available in multiple languages to reach out to all communities for environmental justice purposes.

#### **Transcript of Meeting & Chat Function**

The chat function was not used for topical purposes during the meeting. A transcript of the audio portion of the meeting will be attached to this document.

After the question-and-answer session, a link to the project website was shared in the chat.

**Attachments**: Meeting Presentation; Meeting Transcript (to be attached)

## **MEETING SUMMARY – CBD TOLLING PROGRAM**

DATE PREPARED	8/4/22
PREPARED BY	Zainab Kazmi
MEETING SUBJECT	CBDTP Regional Transportation and NYC Agency Meeting
MEETING LOGISTICS	August 4, 2022 1:00 pm – 2:10 pm Zoom
MEETING RECORD	Maura Fitzpatrick, Zainab Kazmi

#### **Attendees**

No. of Attendees: 86

Program Sponsor Attendees		
Name	Affiliation/Organization/Location	
Dr. Allison C. de Cerreño	MTA	
Thomas Daniel	MTA	
Dr. Rosalyn Green	MTA	
Michael Wojnar	MTA	
Nichola Angel	MTA - TBTA	
Joyce D. Brown	MTA - TBTA	
Stephen Crim	MTA - TBTA	
Romolo De Santis	MTA - TBTA	
Leah Flax	MTA – TBTA	
Paul Friman	MTA – TBTA	
Josh Schneider	MTA – TBTA	
Will Carry	NYCDOT	
Sean Di Luccio	NYCDOT	
Jennifer Sta. Ines	NYCDOT	
William Ullom	NYCDOT	
Lori Blair	NYSDOT	
Nick Choubah	NYSDOT	
Jim Davis	NYSDOT	

Kari Gathen	NYSDOT
Alma Lafferty	NYSDOT
Catherine Leslie	NYSDOT
Adam Levine	NYSDOT
Daniel Nierenberg	NYSDOT
Lee Ellen Carter	Federal Highway Administration (FHWA)
Angela Fogle	FHWA
Amy Jackson Grove	FHWA
Kaylie Kramer	FHWA
Rick Marquis	FHWA
Arthur O'Connor	FHWA
Monica Pavlik	FHWA
Anna Price	FHWA
Valeriya Remezova	FHWA
Mark A. Chertok	SPR
Elizabeth Knauer	SPR
Jason Kelly	HDR
Michael Lewis	HDR
Christopher Calvert	AKRF
Julie Cowing	AKRF
Hannah Brockhaus	FHI Studio
Maura Fitzpatrick	FHI Studio
Zainab Kazmi	FHI Studio
Alice Lovegrove	WSP
Ian McNamara	WSP
Katie Shepard	WSP
Matt Stratton	WSP
Edward Tadross	WSP
Victor Teglasi	WSP
Christine Tiernan	WSP
Other Attendees	

Draft, Privileged and Confidential – Shared Information as per the Common Interest and Confidentiality Agreement

Name	Affiliation/Organization/Location
Kimberly Lesay	Connecticut Department of Transportation
Uzoma Anukwe	Federal Transit Administration (FTA) Region 2
Donald Burns	FTA Region 2
Patrick Carleton	MetroCOG
Meghan Sloan	MetroCOG
Jaime Oplinger	NJ Department of Transportation (NJDOT)
Sudhir B. Joshi	NJDOT
Matthew Safer	NJ Transit
Angello Salazar	NJ Transit
Lois Goldman	North Jersey Transportation Planning Authority (NJTPA)
Jeffrey Perlman	NJTPA
Joe Livingston	NJ Turnpike Authority
Rosemary Nivar	NJ Turnpike Authority
Susan Amron	NYC Department of City Planning (NYCDCP)
Conor Clarke	NYCDCP
Stephanie Shellooe	NYCDCP
Laura Smith	NYCDCP
Chung Chan	NYC Department of Environmental Protection (NYCDEP)
Terrell Esteson	NYCDEP
Steven Lin	NYCDEP
Phil Simmons	NYCDEP
Chris Reo	NYC Law
Nathan Taylor	NYC Law
Hilary Semel	NYC Mayor's Office of Environmental Coordination
Deb Nelson	NY Metropolitan Transportation Council (NYMTC)
Matt Maraglio	NYS Department of State
Pete Cichetti	NYS Division of Homeland Security & Emergency Services

Anna Pluckrose	NYS Division of Homeland Security &
	Emergency Services
Olivia Brazee	NYS Office of Parks, Recreation and Historic
	Preservation
Linda Mackey	NYS Office of Parks, Recreation and Historic
	Preservation
Zachary Coleman	Orange County Transportation Council
Duncan Kisia	Port Authority of NY & NJ (PANYNJ)
Mary Kay Murphy	PANYNJ
Jay Shuffield	PANYNJ
Robin Bromwell Stewart	PANYNJ
Mark Eberle	US National Park Service
Arielle Benjamin	US Environmental Protection Agency (EPA)
	Region 2
Francis Pickering	Western Connecticut Council of Governments

#### **Meeting Agenda**

- 1. Welcome and Opening Remarks (Dr. C. de Cerreño, Rick Marquis)
- 2. Introductions of Program Sponsors (Rick Marquis)
- 3. Introductions of other participants (All)
- 4. Overview of the EA (Dr. C. de Cerreño)
  - a. Project Overview
  - b. Schedule
    - i. Public Outreach
  - c. Environmental Assessment Overview (including Key Findings)
- 5. Feedback from the agencies and next steps (Dr. C. de Cerreño and others)

#### **Summary of Session**

Rick Marquis opened the meeting by thanking attendees for their participation and introducing the CBD Tolling Program and the objective of the meeting, noting that an important milestone has been reached in the Program with the completion of the Environmental Assessment (EA) document. Mr. Marquis stated that the meeting would focus on an overview of the Draft EA, the Program schedule, and next steps, with remarks delivered by the Program Sponsors. The Federal Highway Administration (FHWA) had determined at the September 2021 agency kick-off meeting that the Program required enhanced coordination and public participation and this meeting is part of that recommendation. Mr. Marquis thanked the resource agencies and the Project team for their efforts in bringing the EA document to completion.

Draft, Privileged and Confidential - Shared Information as per the Common Interest and Confidentiality Agreement

Dr. C. de Cerreño thanked the agencies for their participation and introduced the Program Sponsors and consultants for the CBD Tolling Program. Following brief introductory remarks, Dr. C. de Cerreño gave a presentation outlining the EA, noting that the document and presentation are comprehensive as they address concerns that will be important to the various populations affected by this Program.

After the presentation, Dr. C. de Cerreño opened the meeting for questions and comments from agency representatives. There were no questions, but a few attendees thanked the Program Sponsors for their work and the presentation.

Dr. C. de Cerreño concluded by stating that the EA will be available to the public on August 10. It will be distributed around the entire region at over 60 locations. The Executive Summary has been translated into eight additional languages. Those translations and the full document will be available on the Project website. If requested, members of the public can receive hard copies of the Executive Summary in their selected language. Advertisements for the public hearings will be in nine languages. The MTA is also sending postcards to buildings five blocks north and south of 60<sup>th</sup> St., and sending announcements to Taxi and FHV drivers.

Dr. C. de Cerreño thanked attendees for their participation and support and noted that the Project team will be following up with each agency individually to confirm if they would prefer a hard copy, electronic copy, or URL link of the EA document.

Rick Marquis thanked the agencies again for their participation and welcomed future comments and collaboration as agencies spend more time reviewing the document.

The meeting was adjourned at 2:10 PM.

1	Manhattan.
2	In our report released the same
3	year, we recommended that the MTA
4	study a small additional fee for trips
5	within the current tolling program
6	South of 60th Street. We still
7	believe that this may accomplish
8	traffic reduction and revenue
9	generation without as many unintended
10	consequences.
11	Congestion pricing will reduce
12	congestion, improve regional air
13	quality, and support critical capital
14	investments in our public
15	transportation infrastructure.
16	We urge the federal government
17	to approve the Environmental
18	Assessment so New York can move
19	forward with implementing this vital
20	program.
21	Thank you.
22	MS. FLAX: Thank you.
23	Our next speaker is Zoe Baldwin,
24	followed by Kate Slevin.
25	ZOE BALDWIN: Hello. My name is

1	followed by Denise Ruggiero.
2	Our next speaker is Denise
3	Ruggiero, followed by Josh Gottheimer.
4	Our next speaker is Josh
5	Gottheimer, followed by Pamela Feuer.
6	JOSH GOTTHEIMER: Hi. This is
7	Josh Gottheimer. Can you hear me?
8	MR. WOJNAR: Yes, we can.
9	JOSH GOTTHEIMER: Thank you so
10	much.
11	As I said, I'm Josh Gottheimer
12	and I represent New Jersey's 5th
13	Congressional District.
14	From nurses in the early shift,
15	restaurant workers and Uber drivers
16	working the late shift, many of the
17	residents in my district in the cross
18	North Jersey have no other choice but
19	to drive to New York to make a living.
20	I join the overwhelming majority
21	of those who already testified in
22	strongly opposing the MTA's outrageous
23	congestion tax. Not only because it
24	will drain our families' pocketbooks
25	and the small businesses who are

1	Making us ask for an exemption
2	make it sound like we asking for some
3	kind of special treatment, which in
4	itself is outrageous and unfair.
5	In sum, we respectfully ask the
6	Traffic Mobility Review Board and the
7	MTA to reject any further surcharges
8	for any and all for-hire vehicle for
9	such action
10	MS. FLAX: Please conclude your
11	remarks.
12	AZIZ BAH: of the impact of
13	the working-class immigrants or people
14	of color that makes up both the driver
15	and driving community.
16	MS. FLAX: Thank you.
17	AZIZ BAH: Thank you.
18	MS. FLAX: Our next speaker is
19	Steve Carrellas, followed by Pedro
20	Acosta.
21	STEVE CARRELLAS: I'm Steve
22	Carrellas, the head of the New Jersey
23	Motor Association. Many of us will
24	comment on the New Jersey issues with
25	a plan so I'm going to focus on why

1	MS. FLAX: Our next speaker is
2	Michelle Petelicki, followed by Andrew
3	Grossman.
4	Michelle Petelicki?
5	MICHELLE PETELICKI: Hi. Can you
6	hear me?
7	MS. FLAX: Yes, we can.
8	MICHELLE PETELICKI: Thank you.
9	My video for some reason is not
10	working, so I apologize. But good
11	morning. My is Michelle Petelicki.
12	And I own Panorama Tours, a small
13	woman-owned bus company in New Jersey.
14	We are located in Bergen County, which
15	is triangled exactly ten miles from the
16	George Washington Bridge and ten miles
17	from the Lincoln Tunnel.
18	I'm testifying today to ask that
19	while working on the parameters of this
20	program, that you recognize that all
21	buses, both private and public, are a
22	part of the solution to the goals you
23	wish to accomplish such as reducing
24	congestion and improving air quality.
25	Buses are not contributors to the

1	example by starting with its own
2	workforce and discouraging drivers.
3	Congestion pricing is an
4	essential step to getting us to a
5	better future.
6	Thank you.
7	MS. FLAX: Thank you.
8	Our next speaker is Patricia
9	O'Rourke, followed by Stephen Graham.
10	Our next speaker is Stephen
11	Graham, followed by Jonathan DeCamp.
12	Our next speaker is Jonathan
13	DeCamp, followed by Alberto Alamo.
14	Jonathan, you may begin your
15	remarks.
16	JONATHAN DECAMP: Good morning.
17	My name is Jonathan DeCamp, and I'm the
18	vice president of DeCamp Bus Lines in
19	Montclair, New Jersey.
20	DeCamp Bus Lines provides motor
21	coach commuter services to Northeast
22	New Jersey and New York City residents.
23	Prior to the pandemic, we carried over
24	6500 daily passengers between New
25	Jersey and the Port Authority bus

1	The next speaker is Connie
2	Zambianchi, followed by Cecilia Guerra.
3	The next speaker is Cecilia
4	Guerra, followed by Brett Burke.
5	The next speaker is Brett Burke,
6	followed by Filipp Shineleve.
7	BRETT BURKE: Good afternoon. My
8	name is Brett Burke, and I'm the vice
9	president and general manager for the
10	Coach USA Suburban facility located in
11	New Brunswick, New Jersey.
12	We have been a staple in
13	transporting passengers to New York
14	City for more than 80 years. Our New
15	Brunswick facility alone operates over
16	350 daily trips between points in
17	central New Jersey, to and from New
18	York City and more than 8,000
19	passengers per day rely on our service
20	as it is a reliable and low cost form
21	of transportation for them.
22	The pandemic was an extremely
23	difficult time for everyone, and while
24	many business were able to keep
25	operating by having their employees

### **MEETING SUMMARY – CBD TOLLING PROGRAM**

DATE PREPARED	5/15/23
PREPARED BY	Zainab Kazmi
MEETING SUBJECT	Regional Transportation and NYC Agencies Meeting
MEETING LOGISTICS	May 11, 2023, 9:45 am – 10:25 am Zoom
MEETING RECORD	Maura Fitzpatrick, Zainab Kazmi

#### **Attendees**

No. of Attendees: 42

Program Sponsor Attendees	
Name	Affiliation/Organization/Location
Dr. Allison C. de Cerreño	MTA
Thomas Daniel	MTA
Michael Wojnar	MTA
Nichola Angel	MTA - TBTA
Leah Flax	MTA – TBTA
Paul Friman	MTA – TBTA
Lou Oliva	MTA – TBTA
Tanisa Phillips	MTA - TBTA
Will Carry	NYCDOT
Rami Metal	NYCDOT
Catherine Leslie	NYSDOT
James Gavin	Federal Highway Administration (FHWA)
Rick Marquis	FHWA
Monica Pavlik	FHWA
Anna Price	FHWA
Elizabeth Knauer	Sive Paget Riesel (SPR)
Michael Lewis	HDR
Maura Fitzpatrick	FHI Studio

Zainab Kazmi	FHI Studio	
Christine Tiernan	WSP	
Regional & City Agency Attendees		
Name	Affiliation/Organization/Location	
Robert Bell	Connecticut Department of Transportation (CTDOT)	
David Elder	CTDOT	
Meghan Sloane	MetroCOG	
Diane Gutierrez-Scaccetti	NJ Department of Transportation (NJDOT)	
RJ Palladino	NJ Transit	
Mathew Safer	NJ Transit	
David Behrend	North Jersey Transportation Planning Authority (NJTPA)	
Jeffrey Perlman	NJTPA	
Conor Clarke	NYC Department of City Planning (NYCDCP)	
Laura Smith	NYCDCP	
Terrell Estesen	NYC Department of Environmental Protection (NYCDEP)	
Steven Lin	NYCDEP	
Colleen Alderson	NYC Department of Parks & Recreation (NYCDPR)	
Hilary Semel	NYC Mayor's Office of Environmental Coordination	
Gerry Bogacz	NY Metropolitan Transportation Council (NYMTC)	
Adam Levine	NYMTC	
Jim Clancy	NYS Division of Homeland Security & Emergency Services	
Stacy Butler	Orange County Transportation Council (OCTC)	
Mary K Murphy	Port Authority of NY & NJ (PANYNJ)	
Duncan Kisia	PANYNJ	
Todd Fontanella	Western Connecticut Council of Governments (WestCOG)	

Francis Pickering	WestCOG

#### **Meeting Agenda**

- 1. Welcome and Opening Remarks (Dr. C. de Cerreño)
- 2. Introductions (Dr. C. de Cerreño, Monica Pavlik, All)
- 3. Overview of Changes Included in the Final EA (Dr. C. de Cerreño)
- 4. Questions and Comments (Dr. C. de Cerreño and others)

#### **Summary of Session**

Dr. C. de Cerreño opened the meeting by thanking attendees for their participation and asking agency representatives to introduce themselves.

Following introductions, Dr. C. de Cerreño provided a presentation that covered the following: a review of the Program; its benefits; Purpose and Need and Objectives; and alternatives considered. These have not changed.

Dr. C. de Cerreño then reviewed what has changed between the Draft and Final EA. These include additional analyses and mitigation based on comments from the public gathered through unprecedented community engagement. The EA now includes a Tech Memo specific to potential impacts to environmental justice communities and an Appendix regarding low-income frequent drivers into the CBD. Dr. C. de Cerreño reviewed the updates to the mitigation measures in the Final EA. The changes include:

- mitigation and enhancement measures that were included in the Draft EA but now have additional detail and more frequency;
- new mitigation commitments for low-income drivers, small businesses, taxi and FHV drivers, and traffic in EJ communities.

This mitigation totals \$207.5 million over 5 years.

Dr. C. de Cerreño concluded with an explanation of how these changes are described in the Foreword to the EA and indicated throughout the document.

Dr. C. de Cerreño stated that the Notice of Availability for the documents will be published on 5/11/23, with the documents formally available for public review beginning 5/12/23 for 30 days.

After the presentation, Dr. C. de Cerreño opened the meeting for questions and comments from agency representatives. Below is a short summary of the questions and comments heard during the meeting.

Diane Gutierrez-Scaccetti asked via chat if the PowerPoint presentation from today's meeting will be shared with participants.

RJ Palladino asked where the Final EA documents will be available for review. Dr. C. de Cerreño shared the web address to access the documents online in the chat. In addition to the online version on the MTA website, hard copies are available in six locations: the FHWA offices in NY, NJ & CT, and the MTA, NYCDOT, and NYSDOT Region 11 offices.

RJ Palladino asked if there would be any large-scale public meetings during this 30-day period. Dr. C. de Cerreño said that at this point, the Final EA document is only available for review as part of the 30-day public review period.

David Elder thanked the project team for the presentation and asked for clarification on the timeline and process. Specifically, he asked what the timeline would be between approval and implementation if FHWA signs the Finding of No Significant Impact (FONSI). He also asked if the Project Sponsors would look into using a different vendor and operator for tolling infrastructure. Dr. C. de Cerreño stated that TransCore was selected in a competitive process to implement the tolling infrastructure if FHWA signs the FONSI.

Will Carry asked for a reminder on the closing date of the public review period. Dr. C. de Cerreño said that it closes on June 12<sup>th</sup>, 2023.

Conor Clarke asked whether the current projections are still on track to achieve the goal of generating \$1 billion in annual revenue through the project. Dr. C. de Cerreño explained that after project expenses are paid, CBDTP revenues would be sufficient to fund \$15 billion for capital improvements included in the MTA's 2020–2024 Capital Program.

RJ Palladino pointed to the question in the chat from earlier in the meeting and asked if the presentation from today's session would be available to meeting participants. Dr. C. de Cerreño said that she would confirm and follow up on whether the presentation will be shared. She noted that the material shared in the presentation would be available to view in the Final EA documents that become available on 5/12/23.

Diane Gutierrez-Scaccetti asked that the summary from today's meeting also be shared with participants.

The meeting was adjourned at 10:24 am.

#### NYS Air Quality Conformity Interagency Consultation Group (ICG) February 9, 2022 Meeting Notes 9AM – 10AM

<u>Attendees</u>

AGFTC: Aaron Frankenfeld

CDTC: Chris Bauer, Chaim Simon GBNRTC: Rich Guarino, Matt Grabau

GTC: Jim Stack, Alex Kone

NYMTC: Deb Nelson, Mary Byrne, Ali Afshar, Afolabi Aiyedun

OCTC: Lauren Bennett, Alan Sorensen

WJCTC: Kris Reff FHWA: Gautam Mani FTA: Dan Moser

USEPA: Matt Laurita, Lily Black

NYSDEC: Mike Sheehan

NYSDOT: Bryan Cross (R-1), Pam Eshbaugh (R-9), Jonathan Hill (MO Planning), Sharon

Heyboer (R-2), Patrick Lentlie (MO-ESB), Harriet Lewis (MO-Planning), George Neerackal (MO-ESB), Laura Savage (MO-ESB), Jason Shank (MO-ESB), Terry

Smith (MO-ESB), Chris Standley (MO-ESB) Greg Wichser (R-1)

- 1. NYMTC's New 2023-2027 TIP and 2050 Plan Conformity Determination: NYMTC is undertaking a conformity analysis to ensure that its Federal Fiscal Years (FFYs) 2023-2027 Transportation Improvement Program (TIP) and 2022-2050 long-range Regional Transportation Plan (Plan), as amended, are consistent with the motor vehicle emissions budgets set by the New York State Implementation Plan for Air Quality. The NYMTC selection of models, analysis years and schedule were discussed and the ICG concurred with the following assumptions and parameters:
  - NYMTC's travel demand model, the NY Best Practices Model (2012 Base), , will be used to generate travel demand activities. The requirement that the travel model be validated to a base year that is no more than 10 years prior to the date of the conformity determination is met. NYMTC staff confirmed that the NY BPM 2019 base update will be used for future conformity analyses.
  - The adopted county/borough-level 2055 SED forecasts will be used for population and employment.
  - The expected lock-in date for planning assumptions is April 1, 2022.
  - NYMTC Post Processor for Air Quality (PPS-AQ), which incorporates MOVES3, will be used for the analysis of pollutants. NYSDOT expects to provide new MOVES3 inputs for NYMTC use within the next two weeks.
  - The NYMTC documentation will include the OCTC emissions results and incorporate the DCTC and OCTC documentation by reference for the PONA and PM2.5 areas, as appropriate.
  - The draft NYMTC conformity determination is schedule to be released for public review in early July and adopted on August 8, 2022.
  - NYMTC proposed the following milestone years for the regional emissions analysis: 2023, 2025, 2026, 2035, 2045 and 2050. These analysis years meet the requirements of the federal transportation conformity regulations as follows:
    - Analysis year 2023 to demonstrate conformity to the 2015 ozone standard attainment year for "moderate" nonattainment areas.

- 2025 is a maintenance SIP milestone year for the PM2.5 budget. NYMTC will report year 2025 emissions by interpolating the results of 2023 and 2026 to estimate year 2025 emissions pursuant to 40 CFR Part 93.118(d).
- Analysis year 2026 as a contingency should the 2008 ozone standard be bumped up to "severe" nonattainment classification.
- Analysis year 2035 to meet the requirement that consecutive analysis years be no more than ten years apart.
- Analysis year 2045 for the horizon year of Orange County Transportation Council's (OCTC) Regional Transportation Plan.
- Analysis year 2050 for the NYMTC horizon year of NYMTC's Regional Transportation Plan.
- 2. OCTC's new 2023-2027 TIP and 2045 long range plan conformity: OCTC will likely use the same travel demand output from the current regional emissions analysis and revise its regional emissions analysis with MOVES3. Consistent with the requirements for the PM2.5 Maintenance Area milestone years to be analyzed by NYMTC, OCTC's regional emissions will consist of analysis years 2025, 2035, 2045 and 2050. Further details of OCTC's regional emissions analysis will be discussed during the April 13 ICG meeting. Pending NYSDOT Main Office approval, OCTC tentatively plans to release its conformity documentation for public review in early July and adoption on August 9, 2022.
- Additional discussion of the regional emissions analyses: As previously requested by the USEPA, NYMTC and OCTC staff will provide the MOVES Run Specs and input parameters for ICG review in advance of the public release.
- 4. 1997 Ozone Nonattainment "Orphan" Area TIP conformity requirements: Staff at the A/GFTC, CDTC, DCTC (after the call), GBNRTC, GTC and WJCTC were reminded that although the "orphan" nonattainment areas are not subject to the regional emissions analysis requirements these areas are still subject all other applicable transportation conformity requirements. Specifically, pursuant to 40 CFR Part 93.104(c), new TIPs, including the FFY 2023-2027 TIPs in "orphan areas" must be demonstrated to conform before the TIP is approved by the MPO or accepted by FHWA and FTA. Thus, MPO staff in these areas staff are still need to:
  - Provide project listings with proposed air quality classifications for all new projects, as well as any existing projects undergoing substantial scope changes that will be included in the new 2023-2027 TIPs to the ICG for concurrence with the proposed air quality classifications.
  - Provide draft conformity documentation for interagency review prior to the public review and comment period.
  - Provide an opportunity for public review and comment on the draft conformity determination in accordance with MPO operating procedures.
  - Formally adopt the conformity determination through a resolution.
  - Submit the final conformity documentation, including signed resolutions for the conformity determination, new TIP and, as appropriate, amended long range metropolitan transportation plan to the NYSDOT Environmental Science Bureau.
  - In accordance with the State conformity regulation, the NYSDOT ESB will request FHWA/FTA to review (in consultation with USEPA) and approve the conformity determinations.

Documentation and schedules for adoption - A/GFTC, CDTC, GTC, GBNRTC and WJCTC currently intend to start public review in April and adopt their new TIPs and conformity determinations in June.

NYSDOT ESB will contact the NYSDOT Planning in Regions 1, 2 and 9 to obtain any revisions to the NYSDOT Capital Programs in the non-urban Capital District "Donut Area" consisting of Greene, Montgomery and Schoharie Counties that warrant consultation and inclusion in the conformity documentation for the Capital District area.

5. USEPA Adequacy Review of New Motor Vehicle Emissions Budgets: In mid-February, USEPA Region 2 intends to open the public comment period on its decision to find the proposed motor vehicle emissions budgets (54.51 tons per day VOC and 89.07 tons per day NOx) for the New York State portion of NYMA 2008 ozone nonattainment area adequate for conformity purposes.

The NYSDEC submittal, dated November 29, 2021, is available at <a href="https://www.dec.ny.gov/docs/air\_pdf/sipseriouso3nyma.pdf">https://www.dec.ny.gov/docs/air\_pdf/sipseriouso3nyma.pdf</a>. The USEPA will post its finding for public comment on its adequacy website at <a href="https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa.">https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa.</a>

6. NYSDEC State Implementation Plan Updates: The New York Metropolitan Area (NYMA) did not attain the 2008 ozone standard by the attainment deadline of July 20, 2021 for areas classified "serious" nonattainment with the standard. The current design value is 82 ppb and substantially above the 70 ppb required to demonstrate attainment. Thus, a bump up to "severe" nonattainment classification with a July 20, 2027 attainment deadline is in progress.

In addition, the NYMA will not attain the 2015 ozone standard by July 20, 2023. The NYMA will be bumped up to "serious" nonattainment for the 2015 ozone standard with a new attainment deadline of August 3, 2027. This will align the year of attainment for both the 2008 and 2015 standards such that NYMTC's 2026 analysis year will cover standards.

- 7. GTC TIP Amendments: The ICG concurred with the air quality classifications for the following new projects, as proposed by GTC staff:
  - PIN 4BYY40, French Road over Allen Creek Bridge Rehabilitation, BIN 22110070, Town of Brighton, Monroe County
    - Air Quality Classification: Exempt (Code A19 Widening narrow pavements or reconstructing bridges [no additional travel lanes])
  - PIN 4BNY41, Lakeshore Road over Unnamed Creek Bridge Replacement, BIN 3362000, Town of Yates, Orleans County
    - Air Quality Classification Exempt (Code A19 Widening narrow pavements or reconstructing bridges [no additional travel lanes])
- 8. Upcoming GBNRTC TIP Amendment: The ICG concurred with the revised air quality classification for the following project undergoing a substantial scope change, as proposed by NYSDOT Region 5 and GBNRTC staff:
  - PIN 511177, Highway Reconstruction and Bridge Replacement, US Route 20 from Leydecker Road to Route 16, Towns of West Seneca, Elam and Orchard Park, Erie County
    - Air Quality Classification: Exempt (Code K1 Exempt/not regionally significant through interagency consultation)

The project is listed in the currently conforming GBNRTC TIP as a bridge replacement in-kind. (*Air Quality Classification: Exempt – Code A19 - Widening narrow pavements or rehabilitating bridges with no additional travel lanes*). The rationale for concurrence with the exempt classification for PIN 511177 was based on the information below.

Until 2019, the US Route 20 bridge over Cazenovia Creek carried four motorized vehicle travel lanes. Due to the substandard condition of the concrete barrier on the east side of the structure, a temporary concrete barrier was placed in front of the existing barrier. To allow for the extra weight of the additional barrier, the load rating of the bridge was reduced. This new load rating warranted reconfiguration/restriping of the travel lanes on the bridge from four travel lanes to two through lanes and a continuous center turn lane.

In addition to returning the bridge to its original four-lane configuration, the NYSDOT is considering revising the limits of proposed widening from two travel lanes in each direction with a center turn lane for a total length of approximately 5,000 feet. Compared to the pre-2019 condition, this would result in new widening for 3,500 feet from just South of the Seneca St (Rt. 16) and Transit Road (Rt. 78) intersection to the approach on the North side of the bridge. The intersection of US 20 with Routes 16 and 78 immediately North of the portion of roadway to be widened as well as the Intersection of US 20 with Route 178 immediately South of the bridge will remain signal-controlled after project completion.

Bi-directional Average Annual Daily Traffic (AADT) Volume is approximately 25,000 vehicles per day with 5% heavy trucks. The peak hour Level of Service (LOS) is reported to be LOS "E" on the bridge. The build condition peak hour LOS in the Estimated Time of Completion year plus 20 design year (ETC+20) is predicted to be LOS "B." At the three-legged intersection with State Route 187, just South of the bridge, Rt. 20 currently has four travel lanes and a Northbound right turn lane to Route 187 and a Southbound left turn lane to Route 187.

The section of roadway to widened is residential and has no intersections. The enhanced safety and limited traffic flow improvements along this length of roadway is not regionally significant and would have no modeling significance in the GBNRTC travel demand model.

The project would improve bicycle and pedestrian accommodations through the corridor. Vehicles merging from two lanes down to one lane in each direction at the bridge approaches will be eliminated under the build condition. The two-way center turn lane will maintain access to and egress from driveways along this portion of roadway.

Thus, even though there will be additional travel lanes for 3,500 feet north of the bridge, the project is not regionally significant for transportation conformity pursuant to the State transportation conformity regulation pursuant to <u>6 NYCRR Part 240-2.8(b)</u>. In addition, pursuant to the State regulation, widening of a mile or more on principal arterials is identified as a reference point for determining regional significance.

Considering the information presented above, the ICG concurred that the air quality classification of the project, as proposed, may be revised to Exempt/Code K1 – Not regionally significant through interagency consultation.

9. Next meeting: The next ICG meeting is scheduled for April 13, 2022 at 9AM

## Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 272 of 275 PageID:



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2 290 BROADWAY

NEW YORK, NY 10007-1866

March 10, 2022

Rick Marquis FHWA NY Division Administrator Federal Highways Administration Leo O'Brien Building 11A Clinton Ave, Suite 719 Albany, NY 12207

Allison L. C. de Cerreño, Ph.D. Deputy Chief Operating Officer Metropolitan Transportation Authority 2 Broadway, 23rd Floor New York, NY 10004

Ronald Epstein Executive Deputy Commissioner/CFO New York State Department of Transportation 50 Wolf Road Albany, NY 12232

William Carry Assistant Commissioner for Policy NYC Department of Transportation 55 Water Street, 9th Floor New York, NY 10041

Pre-Draft Environmental Assessment - Central Business District Tolling Program, New RE: York, NY (CBDTP)

Dear Mr. Marquis, Mr. Epstein, Dr. de Cerreño, and Mr. Carry,

The U.S. Environmental Protection Agency (EPA) has reviewed the Pre-Draft Environmental Assessment (DEA) prepared by project sponsors Federal Highways Administration (FHWA), New York State Department of Transportation (NYS DOT), and Metropolitan Transportation Authority (MTA). This review was conducted in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR §§ 1500 - 1508), and Section 309 of the Clean Air Act.

The Pre-DEA has been developed to address potential environmental impacts from the proposed action. EPA understands that this includes installing tolling infrastructure at multiple checkpoints around the Central Business District (CBD) in Manhattan, New York to reduce vehicular congestion in the Manhattan CBD and to create a new local, recurring funding source for MTA's Capital projects.

EPA was requested by FHWA to review the Pre-DEA focusing on three (3) areas:

- (1) Congestion Relief
- (2) Socioeconomic Impacts
- (3) Environmental Justice Impacts

EPA has several concerns about the information presented in the Pre-DEA and analysis of environmental impacts. The Pre-DEA does not clearly establish why congestion is an issue that needs to be addressed in the CBD nor mitigation measures to address the impact of traffic diversion to other roadways that already experience significant congestion under the no action alternative. In accordance with the Council of Environmental Quality National Environmental Policy Act regulations, "To the extent environmental trends or planned actions in the area(s) are reasonably

# Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 273 of 275 PageID: 5955

foreseeable, the agency should include them in the discussion of the affected environment. Consistent with current agency practice, this also may include non-Federal planned activities that are reasonably foreseeable." (40 CFR §1502.15)

While EPA understands that the parameters for the proposed action were outlined in the MTA Traffic and Mobility Reform Act (2019), additional alternatives to address the law could have been considered and analyzed prior to selecting the proposed CBD Tolling Program. EPA acknowledges that the project sponsors hosted many public sessions and special workgroups focused on environmental justice and residential impacts; however, many of these impacts were not fully addressed in the mitigation analysis.

EPA is also aware that there will be no State or City environmental assessment (SEQR/CEQR) due to Section 1704.6 of the MTA Traffic and Mobility Reform Act (Appendix 2B, 2-17); however, there are other state, city and federal environmental regulations that must be met prior to project implementation. EPA strongly suggests that project sponsors conduct a more thorough impact and mitigation study prior to project implementation or acceptance into FHWA's Value Pricing Pilot Program (VPPP).

Because of these and other issues expressed in more technical detail attached, EPA cannot concur with a finding of no significant impact (FONSI) for the proposed project. Based on our review, we have identified potentially significant impacts to environmental justice communities within the regional area that warrant further attention in the DEA. Detailed technical comments are provided below for your consideration.

Thank you for the opportunity to provide comments on this Pre-DEA. EPA looks forward to your response, and we are committed to continuing to work with your team throughout the NEPA process and in the future, especially as full projects come to fruition. Should you have questions on our comments noted above or related to this project, please contact me at 212-637-3954 or <a href="mailto:austin.mark@epa.gov">austin.mark@epa.gov</a>.

Sincerely,

Mark Austin, Team Lead

Mark Austin

Environmental Review Team

Office of the Regional Administrator

US Environmental Protection Agency, Region 2

Case 2:23-cv-03885-LMG-LDW Document 123-9 Filed 02/29/24 Page 274 of 275 PageID: 5956

[Page Left Intentionally Blank]

#### **EPA Detailed Comments**

Pre-Draft Environmental Assessment
Central Business District Tolling Program (CBDTP) – New York, NY
3/10/2022

#### **General Comments**

- EPA finds that this Pre-DEA does not appropriately provide a clear connection between the facts presented in the document and the conclusions drawn by the agency.
  - The Council on Environmental Quality (CEQ)'s Rules and Regulations 40 CFR §1501.6 (July 2020) states: "When an agency determines in its EA that an EIS is not required, it typically prepares a FONSI. The FONSI reflects that the agency has engaged in the necessary review of environmental impacts under NEPA. The FONSI shows that the agency examined the relevant data and explained the agency findings by providing a rational connection between the facts presented in the EA and the conclusions drawn in the finding. Any finding should clearly identify the facts found and the conclusions drawn by the agency based on those facts."
  - The FONSI has only been determined based on impacts where tolling infrastructure will be located; therefore, FHWA and project sponsors are not considering the environmental impacts that will be experienced outside of this narrow geographic scope as identified in chapters on traffic consideration, noise, and environmental justice.
- EPA suggests that this document be made concise, follow a clear format, and use plain language for accessibility by the public prior to release of the DEA. This can be achieved through some of the following steps:
  - DEA should not exceed 75 pages, but CEQ guidelines allow for "a senior agency official to approve a longer length and establish a new page limit in writing." (40 CFR § 1501.5)
  - EPA suggests the document be shared on one file rather than one file per chapter to make it easier for public and cooperating agencies to cross-reference the document. We also encourage links to be used when referencing different sections, tables, and other diagrams for more clarity.
  - EPA encourages FHWA to include an Executive Summary ahead of the Introduction chapter that clearly outlines the purpose and need, preferred alternative, environmental impacts identified and mitigation strategies in one location for ease of reference.
- EPA would like more clarity on how the four objectives (also used as screening criteria) were determined in the alternatives analysis prior to release of the DEA. [Chapter 2]
  - EPA suggests that a weighted screening analysis be conducted to analyze alternatives in a way that allows for prioritization of objectives. If the first need of the project is to reduce congestion in the CBD, Objectives 1 & 2 should be weighted much higher than Objective 3 & 4, which are listed as a secondary need for the project implementation.
  - EPA requests more information on why Alternative T-2 is listed as "depends" for Objectives 3 & 4 without much more detail expressed in Note 5 (p. 2-5)
  - EPA suggests that Objectives O-1, O-2, O-3, O-4, O-5, and O-6 be assessed as
    alternatives that can buttress the preferred alternative to reduce congestion in the
    CBD rather than striking due to inability to fully achieve Objectives 3 & 4. Current
    selection matrix [Table 2-2] suggests an all-or-nothing decision strategy that